



# **CITY OF ISSAQUAH**

## **PERSONNEL POLICIES**

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CITY OF ISSAQUAH  
PERSONNEL POLICIES

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## **Section 1 – General Provisions**

### **1.1 PURPOSE**

The objective of these guidelines is to facilitate efficient service to the public and to provide a personnel management system within the City government that clarifies and ensures the rights and responsibilities of all employees in an equitable and uniform manner.

#### **1.1.1**

These guidelines shall apply to all City employees, and shall not apply to elected officials, volunteers or independent contractors.

#### **1.1.2**

The intent of these guidelines is to recognize that the City shall employ the most suitably qualified persons available; that tenure of every employee shall depend upon the need of the work performed, availability of funds, effective performance, appropriate conduct, and continuing fitness for a position; that each employee shall be prepared and expected to perform at an optimum level; and that no appointment to, promotion to, removal from, or discipline in any position in the City shall be influenced because of the employee's or applicant's race, color, religion, sex, national origin, ancestry, age (over 40), marital status, parental status, disability, veteran's status, or any other bases prohibited by applicable federal, state, or local laws.

#### **1.1.3**

Additional information about or clarification of these Guidelines may be obtained from the employee's supervisor, Human Resources staff, or the City Administrator.

#### **1.1.4**

This manual is a general informational guide to the City's current employment guidelines. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual, as well as other City guidelines and practices, whether informal or formal, and including those not contained in this document, as the City deems necessary and appropriate, without advance notice. These guidelines shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The City also reserves the right to deviate from these guidelines in individual situations in order to achieve its primary mission of providing orderly and cost efficient services to citizens.

### **SECTION 1.2 SCOPE**

In cases where these guidelines conflict with collective bargaining contracts and agreements duly agreed upon between authorized employee organizations or unions and the City, or in cases where these guidelines conflict with Civil Service Rules and Regulations, statute, or ordinance, the provisions



of those specific sources of employee's rights and responsibilities shall govern. In all other cases these guidelines shall apply.

## **Section 2 – General Policies & Practices**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY**

#### **2.1.1**

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to the employee's or applicant's race, color, religion, sex, national origin, ancestry, age (over 40), marital status, parental status, disability, veteran's status, or any other bases prohibited by applicable federal, state, or local laws.

#### **2.1.2**

The City will not discriminate against applicants or employees with a sensory, physical or mental impairment. If an applicant or employee has a disability that limits his/her ability to perform the essential elements of the job, please inform the department director and/or Human Resources of the disability and a request for reasonable accommodation. In order to provide reasonable accommodation, the City may seek to communicate with the applicant/employee and his/her medical providers to gain a better understanding of the limitations and the means by which an accommodation would allow the employee to perform the essential functions of the position. Such communications with medical providers will only occur after the employee or applicant has given written consent.

#### **2.1.3**

The City complies fully with its duty to provide reasonable accommodation of any applicant's or employee's sincerely held religious beliefs, unless the City believes such an accommodation would create an undue hardship, cannot be accommodated due to contractual commitments that cannot be or will not be waived, or is contrary to law or the City's commitment to diversity. For example, if an employee seeks a certain work schedule, or to dress or attire himself/herself in a way that varies from any dress code adopted by the City, the employee will inform the department director of the religious practice and a request for reasonable accommodation.

### **2.2 ANTI-HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT**

#### **2.2.1**

The City is committed to ensuring that the practices and conduct of all its employees comply with the requirements of Federal and State laws against employment discrimination. It is the policy of the City that all employees have the right to work in an environment free from harassment based upon their

race, color, religion, gender, national origin, age, marital status, pregnancy, honorably discharged veteran or military status, sexual orientation, disability, or any other protected status or characteristic. Any such harassment of employees by their co-workers, supervisors or others in the workplace will not be tolerated.

### 2.2.2

A definition of all conduct that could constitute unlawful discrimination or harassment or other unlawful conduct is difficult, if not impossible, to create. For that reason the following list of examples of prohibited conduct is intended to be illustrative but not all-inclusive:

- a) Verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public.
- b) Slurs or demeaning comments to employees or members of the public relating to race, ethnic background, color, religion, national origin, pregnancy, age, marital status, sexual orientation, military or veteran status, or any other characteristic protected by law.

### 2.2.3

Sexual harassment is also a form of unlawful discrimination. Examples of prohibited conduct include but are not limited to:

- a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
- b) Verbal harassment of a sexual nature, including but not limited to lewd comments, sexual jokes or references, and offensive personal references;
- c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
- d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, cartoons or photographs;
- e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.
- f) Solicitation or coercion of sexual activity, dates or the like with the implied or express promise of rewards or preferential treatment.
- g) Intimidating, hostile, derogatory, contemptuous or otherwise offensive remarks that are directed at a person because of that person's gender, whether or not the remarks themselves are sexual in nature, where the remarks cause discomfort or humiliation and interfere with the performance of the employee's duties.

## **2.3 COMPLAINT PROCESS: DISCRIMINATION, HARASSMENT, OR RETALIATION**

### **2.3.1**

Any person who believes he or she is a victim of or who observes any unlawful discrimination or harassment or retaliation should immediately tell the offending individual how they feel and ask them to stop. If this approach is not successful or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly, either verbally or in writing to the Human Resources Manager. If the employee believes the Human Resources Manager is involved in the offensive conduct, the report should be directed to the City Administrator or the Mayor. Any department directors or supervisors who receive such reports from other employees shall immediately communicate the information to the Human Resources Manager or City Administrator.

### **2.3.2**

The complaint will be immediately investigated. The City will determine the selection of the investigator, level of formality, and the procedures used in the investigation based upon the nature of the allegations and circumstances of the situation. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the City's need to undertake a full investigation. As soon as it is reasonable, investigative findings shall be submitted to the City Administrator and Mayor. If the investigation shows the accused employee engaged in unlawful harassment or discrimination, appropriate disciplinary action will be taken, up to and including termination.

### **2.3.3**

The City will not permit retaliation or discipline against anyone who makes a complaint in good faith or who cooperates in an investigation of a harassment or discrimination complaint.

### **2.3.4**

There may be instances in which an employee reporting harassment or discrimination seeks only to discuss the matter informally and does not wish the City to undertake an investigation or to take further steps. In such situations, the City may arrange some informal mechanism for resolving the issues. However, an individual reporting harassment or discrimination should be aware that the City may decide it must take action to address the issue beyond informal means.

## **2.4 DRUG-FREE WORKPLACE**

### **2.4.1**

Based on the Federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession, or use of unlawful drugs or alcohol on City premises, in City vehicles, or during work hours by City employees is prohibited. An employee who uses unlawful drugs, alcohol, or other

controlled substances but whose use impairs the employee's work performance, poses a threat in the public confidence, or is a safety risk to others, may also be disciplined and/or terminated.

Although marijuana is now legal under Washington State law in certain circumstances for recreational or medical use, it is still illegal to possess, use, or distribute marijuana under federal law. The City considers possession of marijuana, use of marijuana, or being under the influence of marijuana at work a violation of the City's drug free workplace policies.

#### **2.4.2**

Employees must notify their department directors within five (5) days of any drug or alcohol related conviction.

#### **2.4.3**

The City of Issaquah strictly prohibits the following:

- a) Testing positive for drugs. An alcohol concentration of .04 or higher is considered a positive test.
- b) The use, possession, manufacture, distribution, dispensing, transfer or trafficking of alcohol or drugs and their paraphernalia in any amount or any manner on City premises, in City vehicles or while on duty at any time.
- c) Operating a City vehicle after consuming any amount of alcohol, an illegal drug, or a prescription drug in violation of the prescribed dosages.
- d) The unauthorized use or distribution of prescription drugs on City premises, in City vehicles or while on duty at any time.

#### **2.4.4**

Employees using medically prescribed or over the counter drugs which might impair their fitness for duty must notify their department director prior to beginning work. At the option of the department director, an employee may be reassigned to less hazardous duty or be placed on sick leave if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others

#### **2.4.5.**

Violation of this policy can result in disciplinary action, including termination.

### **2.5 WORKPLACE VIOLENCE**

#### **2.5.1**

The City is committed to providing a safe workplace for its employees, guests, and the public. Threatened or actual workplace violence is strictly prohibited. This includes, but is not limited to, any of the following conduct occurring in or around the workplace, or otherwise related to employment:

- a) Threatening injury or damage against a person or property.
- b) Fighting or threatening to fight with another person.
- c) Threatening to use a weapon (an instrument or device of any kind, such as a firearm or knives,) to inflict bodily harm or injury, or to establish fear simply due to its presence on the scene unless the weapon is required to fulfill the employee's job duties, such as those of a police officer.
- d) Abusing or injuring another person.
- e) Abusing or damaging property.
- f) Using obscene or abusive language or gestures in a threatening manner.
- g) Raising voices in a threatening manner.

Due to the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

Any employee who violates this policy will be subject to corrective or disciplinary action, up to and including termination.

### **2.5.2**

Employees should immediately report threats or incidents of workplace violence to their supervisor, department director, City Administrator or Mayor. If the act or altercation constitutes an emergency, call 911. The Police Department should be notified immediately in case of a threat of or the actual commission of a crime. In the event of imminent danger to persons or property, employees should take immediate action to safeguard themselves. At no time should employees place themselves in harm's way to protect vehicles or property.

Even without an actual threat of violence, employees should report any behavior they have witnessed which they may regard as a real or perceived threat of violence. Incident reports are to be completed, as appropriate.

### **2.5.3**

Department directors and, in the case of criminal actions, City law enforcement are responsible for responding to and investigating potential or violent situations. Employees detecting situations where they believe an employee represents a workplace violence concern should contact their supervisor, department director, City Administrator or Human Resources Manager prior to addressing a potential workplace violence situation. The specific circumstances applicable to the situation will determine the intervention and disciplinary approach to be taken.

If an employee's performance, conduct or behavior raises a serious concern about the safety of others, the City may require a Fit-for-Duty assessment in addition to any corrective and/or disciplinary action taken. The Fit-for-Duty assessment is to evaluate the employee's ability to safely be on the job.

#### **2.5.4**

While the City has a strong commitment to customer service, employees are not expected to be subjected to verbal abuse or physical threats from the public. Rather, the employee should excuse him/herself and report the situation to a supervisor who will handle the situation from that point. Supervisors will discuss the situation with the appropriate department director and/or the City police.

#### **2.5.5**

If an employee has filed or has been served a protection or no contact order which would restrict his/her ability to perform his/her assigned duties or be at a City work location, the employee shall report the matter to his/her supervisor, department director, Human Resources Manager and the City Administrator. The City will consider possible job modifications and the overall safety interests of the general workforce and the public when determining an appropriate course of action.

### **2.6 WORKPLACE PRIVACY/SEARCHES**

#### **2.6.1**

The City cannot assume responsibility for any theft or damage to the personal belongings of City employees. Therefore, the City requests that employees avoid bringing valuable personal articles to work. Employees are solely responsible for ensuring that their personal belongings are secure while at work. Employees should have no expectation of privacy as to any items or information brought to the workplace or generated/stored on City systems. Employees are advised that work-related searches of an employee's work area, workspace, computer and electronic mail on the City's property may be conducted without advance notice. Employees who do not consent to inspections may be subject to discipline, up to and including immediate termination.

### **2.7 PERSONNEL RECORDS**

#### **2.7.1**

The Human Resources Manager or designee shall maintain a personnel record for each employee. Such record shall show the employee's name, title of position held, the department to which assigned, salary, change in employment status, training received, and such other information as may be considered pertinent. Each department director shall be responsible for forwarding documents for inclusion in personnel files of employees assigned to their department.

#### **2.7.2**

Employee records shall be considered confidential and shall be accessible only to the employee, and such other officials who have a need to know the information involved, and as may be authorized by the Human Resources Manager or designee. Portions of personnel records on an employee, such as records of disciplinary sanctions, may be subject to disclosure under State public record requirements.

The City will attempt to preserve the confidentiality of personnel files to the extent permitted by State law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information or authorization from the employee.

### **2.7.3**

An employee may request removal of irrelevant or erroneous information in the employee's personnel file. If employee's request to remove the information is denied, the employee may file a written rebuttal statement to be placed in the employee's file.

### **2.7.4**

It is the obligation of a former or current employee to provide his/her current address with the department, Finance Department and City's Human Resources office.

## **2.8 WHISTLEBLOWER ACT (RCW 42.40)**

As provided in policy #101-19 of the Issaquah Administrative Manual (adopted by reference in Resolution 93-14) and RCW 42.40 and Washington State Local Government Employee Whistleblower Act of 1992, employees are encouraged to report improper governmental actions of City officials when making good faith reports.

## **Section 3 – Employment Practices**

### **3.1 HIRING REGULAR EMPLOYEES**

#### **3.1.1**

The City seeks to hire a fully qualified candidate for each position. It is the responsibility of the Human Resources Manager to oversee the selection process designed to meet current and projected employment needs. Hiring decisions are made by the department director except for positions that are appointed by the Mayor and approved by the City Council. At the discretion of the department director and with the approval by the City Administrator and Mayor, departmental deputy position or equivalent may be filled on a non-competitive basis.

#### **3.1.2**

The City is committed to equal employment. Recruiting practices are conducted solely on the basis of ability, qualifications, and competence. These qualities shall be determined through impartial evaluation of the following:

- a) The applicant's level of training, education, and fitness relative to the requirements of the position for which applied;
- b) The results of an oral interview; and
- c) The results of written examination when deemed advisable by the hiring department and in concurrence with the Human Resources Manager or designee.

### **3.2 HIRING NON-REGULAR AND SEASONAL EMPLOYEES**

#### **3.2.1**

The department director or department manager is responsible for selecting and hiring of nonregular employees for positions that are filled on a seasonal, temporary or limited term basis.

3.2.1.1 A non-regular employee is defined as an employee who works less than 25 hours per week in the designated work week as defined by the Fair Labor Standards Act (FLSA) or in a position filled on a temporary or limited-term basis. Part time non-regular employees may work a fixed or fluctuating schedule but **may not exceed 25 hours per week**.

3.2.1.2 A seasonal employee is defined as an employee that is hired or re-hired into a position for which the customary annual employment is six months or less in the same position beginning in the same season of each calendar year. Seasonal employees are subject to a mandatory annual break in service of six (6) continuous months prior to being hired or re-hired into a seasonal position. Seasonal employees may work 40 hours or more per week.

#### **3.2.2**

Department directors or designee are responsible for ensuring the non-regular employee or seasonal employee has completed the "Employee's Acknowledgement of Extra Hire Status" agreement and all other personnel paperwork, such as W-4, I-9 forms, emergency notification forms. The hiring department is responsible for obtaining a driver's abstract if the position requires operating a City vehicle. Such employees are entitled to industrial insurance but shall not receive other benefits provided to regular employees.

#### **3.2.3**

The hiring department subject to Human Resources approval will prepare the hire letter for the employee.

#### **3.2.4**

Salaries will be funded within budget constraints. Temporary hires to fill a vacant position may only be hired within the department's budgeted funds or with written authorization from the Mayor for additional salary funds.



### **3.3 RECRUITMENT PROCESS**

#### **3.3.1**

Department directors and managers who seek to fill a job vacancy shall complete a Personnel Requisition Form (PRF) and forward to the Human Resources Manager. Prior to recruitment for the vacancy, the request must be approved by the Finance Director, City Administrator and Mayor. If the vacancy has not been filled within 120 days since initial approval, a new PRF shall be sent to the Finance Director.

The department director or designee, in consultation with the Human Resources Manager or designee will establish procedures and selection criterion for selecting the most qualified candidates from a pool of internal or external applicants for a vacant position. Selection criterion will be designed to measure each applicant's qualifications, experience and ability to perform the duties and responsibilities for the vacant position as described by the job description requirements. Positions covered by Civil Service will be subject to current Civil Service Rules and Regulations.

The department director or designee is responsible for pre-screening applicants based upon the selection criteria. The department director or designee will forward those applicants selected for an interview to the Human Resources Department so that interviews may be scheduled.

#### **3.3.2**

Recruitment announcements shall be publicized for any necessary period on websites and such other means as both the department director and Human Resources Manager agree as appropriate. Announcements shall specify the title, rate of pay, duties to be performed and qualifications for the job and other pertinent information related to the available position.

#### **3.3.3**

To facilitate staffing needs for the City (except for the Police) Human Resources or the hiring department may identify qualified candidates interested in City employment and establish an eligible list from previous recruitments according to the following guidelines:

- a) The position for which the list of eligible candidates is established is vacant and approved for restaffing within six (6) months from the date of filling the position which the eligible candidates previously applied.
- b) The list of eligible candidates shall reflect only those applicants found to be qualified and acceptable for employment during a previous selection process.

#### **3.3.4**

Pre-employment examinations may be administered to test the qualifications and ability of applicants, as determined necessary. The City may contract with any competent agency or individual to prepare and/or administer examinations.

### 3.3.5

After an offer of employment has been made, the City may require persons selected for employment to successfully pass a medical examination, which may include a drug screen, and a psychological examination. The purpose of the examination is to determine if the individual is able to perform the job and to ensure his condition will not endanger the health, safety, or well-being of other employees or the public. At no time shall such examinations be scheduled prior to a conditional employment offer; however, the offer of employment may be conditioned on the results of the examination. In cases where a physical and/or psychological examination is required, the City shall pay the cost. Both examinations are required for police employees under the LEOFF Retirement System (RCW 41.26.045).

### 3.3.6

A candidate may be disqualified from further consideration and the conditional offer withdrawn if:

- a) Found physically or psychologically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace);
- b) The candidate refuses to submit to an examination or to complete medical history forms or otherwise refuses to cooperate; or
- c) If the exam reveals abuses of alcohol and/or use of controlled substances.

### 3.3.7

After the conditional employment offer is made, reference checks, criminal background checks and verification of United States citizenship status will be completed by the Human Resources Department with the exception of the Police Department which shall conduct its own background checks.

### 3.3.8

If the background, medical, or any subsequent investigation discloses misrepresentation or unfavorable information, the conditional offer will be withdrawn or the employee will be terminated. In addition, if disabilities are disclosed that cannot be reasonably accommodated, the conditional offer will be withdrawn or the employee will be terminated.

### 3.3.9

Residency within the City shall not be a condition of initial appointment or continued employment; provided, however, that an employee's selection of residence shall not interfere with the daily performance of his duties and responsibilities (RCW 41.08.075 and 41.12.075).

### **3.3.10**

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license free from frequent and serious violations with any necessary endorsements. Official driving records shall be obtained at the employee's expense and provided by applicants at the time of application. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.

## **3.4 APPLICATION FOR EMPLOYMENT**

### **3.4.1**

Application for employment shall be made in a manner prescribed by the Mayor. Application forms shall require information on specific job experience and training and shall contain questions designed to obtain job-related information. Applications must be fully completed, and submitted electronically by the applicant being considered for any position. Resumes may supplement, but not replace, the City's official application form.

### **3.4.2**

If an applicant is employed and it is found that the employee provided false or misleading information, the employee is subject to immediate termination.

## **3.5 TEMPORARY APPOINTMENTS**

### **3.5.1**

Appointments to City employment on other than an acting or regular basis shall be considered temporary. Such temporary appointments shall be allowed only as follows:

- a) As substitution for a regular appointee who is absent from a position;
- b) When it is impossible to make a regular appointment to the position due to recruitment difficulties;
- c) Where budget appropriations provide only for temporary or seasonal employment; and/or
- d) During a state of disaster or emergency.

### **3.5.2**

Temporary appointees may be terminated by the department director. No temporary appointment shall exceed one year in duration.

### **3.6 PROBATIONARY PERIOD**

#### **3.6.1**

The probationary period is part of the selection process. The standard probationary period for newly hired and promoted employees shall be 12 months. The probationary period may be extended for up to six (6) additional months by the department director with approval of the City Administrator. In exceptional cases, the probationary period may be successfully completed after six (6) or more months by the department director with approval of the City Administrator. The City Administrator will notify the Human Resources Manager in writing of the extension or shortening of the probationary employee's status.

#### **3.6.2**

No probationary employee shall become a regular employee without first having been certified to regular employment status. Upon the completion of a probationary period the department director shall prepare a written recommendation which shall be submitted to the City Administrator for final approval which shall be forwarded to the Human Resources Manager and retained in the employee's personnel file.

#### **3.6.3**

Successful completion of the probationary period does not guarantee continued employment, impact the employee's at will status, or limit the City's ability to discipline or terminate the employee.

#### **3.6.4**

The department director, with the approval of the City Administrator, in each particular case may determine that the probationary employee is eligible for a salary adjustment based on probation period performance. The guidelines shall be established at the time of hire if the probationer is to be eligible.

### **3.7 NEPOTISM**

#### **3.7.1**

There are certain situations where the City may restrict or prohibit the employment of spouses, registered domestic partners, and other persons with whom the employee has a familial relationship. The following are examples of such situations:

- a) When one person would have the authority or practical power to supervise either directly or indirectly, appoint, remove, or discipline the other.
- b) When one person would be responsible for auditing the work of the other.
- c) When other circumstances exist which place the people in a situation of actual or reasonably foreseeable conflict between the City's interests and their own.

Where, in order to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the City must limit the employment of close relatives or policy-level officers of the City's customers, regulatory agencies or others with whom the City deals.

### 3.7.2

When a situation described in *Subsection 3.7.1* arises due to marriage, the creation of a registered domestic partnership, a change in living arrangements or a familial relationship, the City may transfer one of the employees to another department or demote or terminate one of the employees. The employee to be transferred, demoted or terminated shall be chosen by the individuals involved. If the individuals fail or refuse to choose between them within a reasonable time, the City may transfer, demote or terminate one of the employees based on its decision whose skills, qualifications, and performance are most essential to the City.

### 3.7.3

For the purpose of this section, the following definitions shall apply:

- a) **Familial relationship** includes any relationship wherein two (2) people reside together as if they were married or are registered domestic partners.
- b) **Policy level** means a department director or an elected official of the City or of any agency or organization with whom the City deals.

## 3.8 RESIGNATION

An employee wishing to leave the City service in good standing shall provide his director with a resignation letter which shall include the employee's last day of employment. Failure to provide a minimum of two (2) weeks' notice may render the employee ineligible for rehire. The department director shall forward to Human Resources a copy of the resignation letter.

If an employee who has previously resigned is hired back by the City within 90 days of leaving employment, benefits, accruals and seniority will commence at the accrual rate the employee was receiving prior to leaving employment. If an employee returns to employment and is hired back after 90 days of leaving employment, accrual rates will be set as a newly hired employee unless the Mayor authorizes a different accrual rate. Requests to the Mayor must be submitted within the first thirty days of re-employment.

## 3.9 EXIT INTERVIEW

An exit interview may be conducted by the Mayor or City Administrator. At the direction of the Mayor or City Administrator, the Human Resources Department may conduct an exit interview with employees leaving City employment if information can be gained which will improve or enhance present operating procedures.

### 3.10 RE-EMPLOYMENT

#### 3.10.1

A list of the names of eligible former employees who were laid off or demoted in lieu of layoff shall be maintained for each job class (*See Subsection 3.12.3*). When a re-employment or return to work right is granted under the provisions of these rules, the City shall provide written notice to the last known mailing address of the employee. If the employee fails to respond to the Human Resources office within 10 working days from the date of mailing of the notice, the re-employment right shall lapse. Consideration for re-employment of employees shall be in order of date of layoff. Employees re-employed in this process may be required to submit to medical examinations as provided in these guidelines if deemed necessary by the Mayor. This list will be good for one (1) year from the date of the layoff. It is the responsibility of the former employee to provide the City with a current mailing address during the one year period from the date of the layoff.

Upon re-employment under *Section 3.10* benefits shall be re-instated as follows:

- a) **Probationary Period** – will be waived if previously completed. If not previously completed, the employee must complete remaining probationary time.
- b) **Vacation leave accruals** – prior accrual rates reinstated.
- c) **Sick Leave** – balance not cashed out reinstated.

### 3.11 REINSTATEMENT

Employees who have been demoted, suspended, or dismissed may be reinstated to their former position upon successful appeal. In such event, the employee shall be entitled to full compensation for all lost time, less any amounts actually earned or could have been earned with reasonable effort, and with full restoration of all other rights and conditions of employment.

### 3.12 LAYOFF

#### 3.12.1

The Mayor may lay off regular employees for lack of work, budgetary restrictions, organizational changes or as determined to be necessary by the Mayor. The employee is to be given 10 working days' notice except in extreme situations before such layoff is to take effect.

#### 3.12.2

In determining who in any classification is to be laid off, consideration should be given first to individual performance, conduct, and qualifications required for the work that must be done or per the collective bargaining agreement.

### **3.12.3**

If the employee being laid off possesses a good service record, the employee may request that the employee's name be placed on a re-employment list according to the employee's job performance and seniority. The list shall be maintained for one year.

## **3.13 PROMOTIONAL INCENTIVE**

### **3.13.1**

The Mayor, on a case by case basis and within his or her full discretion, may provide an additional monetary consideration to an employee to accept a new position with greater authority and responsibility. This additional consideration would be provided in a lump sum within the next pay period following the start date of that new assignment. Further, the additional monetary consideration shall be clearly articulated in the offer letter to the employee, which shall be signed by the employee and the Mayor. The additional monetary consideration may be up to but shall not exceed 10% of the employee's new level of salaried compensation. This provision applies to all exempt employees of the City of Issaquah. Receiving additional monetary consideration, as described in this section, does not impact or lessen the probationary period outlined in Section 3.6 of the City of Issaquah Personnel Policies. Employees receiving additional monetary consideration will be subject to the terms and conditions of probation in their new job assignment.

## **Section 4 – Employee Conduct and Expectations**

### **4.1 HOURS OF WORK**

#### **4.1.1**

Due to the nature of their work, some divisions and departments will have different schedules. Those schedules shall be in accordance with the Fair Labor Standards Act (FLSA) and applicable collective bargaining agreements and shall be determined by the department director(s).

#### **4.1.2**

The office hours for the public are 9:00 A.M. to 5:00 P.M., Monday through Friday. Department directors shall assure that service of each department is available during such hours. Departments may change hours for the public subject to approval by the Mayor.

#### **4.1.3**

Where appropriate and when mutually agreed upon by an employee and his department director, a flexible work week schedule may be established. Flex schedules are based around an established period of work hours, excluding lunch and break periods. Examples of flex-time include but are not limited

to 4/10 hour days or a 9/80 schedule. Such schedules shall not alter the regularly-scheduled work week requirements absent a provision of a collective bargaining contract or agreement between authorized employee organizations or unions and the City.

## **4.2 ATTENDANCE**

### **4.2.1**

Employees are expected, as a condition of employment, to be at work during their regularly scheduled hours and workdays. Punctual and consistent attendance is essential elements of each job at the City. Supervisors are expected to maintain an accurate attendance record of each employee.

### **4.2.2**

Unless extenuating circumstances prevail, employees who are unable to report for work on time must notify an appropriate supervisor as soon as they know they will be absent or tardy. If an employee is scheduled to begin work before any other employee arrives, a message must be left for the supervisor, reporting the reason for the absence or tardiness. If the absence continues beyond the first day, the employee shall notify the supervisor on a daily basis. *(See Section 7.3, Sick Leave)*

### **4.2.3**

Any unreported and/or unauthorized absence of an employee from work shall be deemed to be an absence without pay. Employees may be disciplined, up to and including termination, for failing to report to work without notice or with insufficient notice, for excessive absenteeism or tardiness, or for other attendance and tardiness problems.

### **4.2.4**

An unauthorized absence from work for three (3) consecutive scheduled work days shall be considered a "voluntary resignation not in good standing," unless the employee can provide justification for the absence that is acceptable to the department director and Mayor.

## **4.3 EMERGENCY CONDITIONS**

### **4.3.1**

Employees are expected to be at work even during inclement weather, and nonattendance will be counted as absence from work. An employee who is absent without authorization or notifying their supervisor may be subject to disciplinary action.

### **4.3.2**

Should severe conditions (e.g., weather) occur which would require the Mayor to announce curtailment of any City operation, or inhibit any City employee from reporting to work, or necessitate any



employee to leave work early, the employee will be given the following options, subject to department director approval:

- a) Leave without pay;
- b) Applying accrued vacation or compensatory time to receive pay;
- c) Taking work home or to another work site;
- d) Making up the time off in the subsequent work period with the understanding that such time may exceed the FLSA provisions and be accrued at the overtime rate; or
- e) Standing by to be available to work in another department.

#### **4.3.3**

It will be the responsibility of the employee to contact the employee's supervisor or department director to indicate anticipated absence from work and the reason for such absence or lateness caused by emergency conditions.

#### **4.3.4**

Sick leave cannot be used to offset absence from work for pay purposes for other than permitted reasons as specified in *Subsection 7.3.2*.

These provisions do not apply to employees on scheduled time off or on sick leave status.

#### **4.3.5**

Under extreme circumstances, the Mayor may, in his/her discretion, waive attendance requirements without applying the options listed in *Subsection 4.3.2* above.

#### **4.3.6**

Information regarding City Hall buildings not being opened for business will be provided to local radio stations and will be available from the Police Department communications center to all department directors for dissemination to their staff.

### **4.4 OUTSIDE EMPLOYMENT**

#### **4.4.1**

Employees, including those on approved paid or unpaid leaves, shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict with the best interests of the City or interfere with the employee's ability to perform the assigned City job. Examples include, but are not limited to, outside employment which:

- a) Prevents the employee from being available for work beyond normal working hours, including emergencies or peak work periods, when such availability is a regular part of the employee's job;
- b) Is conducted during the employee's work hours;
- c) Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
- d) Is with a firm which has contracts with or does business with the City; or
- e) May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

## **4.5 WORK BREAKS**

### **4.5.1**

It shall be the responsibility of supervisors to schedule and monitor use of meal periods and rest periods. All breaks shall be arranged so they do not interfere with City business or service to the public.

### **4.5.2**

Employees are entitled to one paid 15-minute "work" break, or the equivalent, for each four (4) hours of working time.

### **4.5.3**

Employees shall be allowed a "meal period" of at least 30 minutes which commences no less than two hours nor more than five hours from the beginning of the shift. The scheduling of meal periods may vary depending on department workload, or mutual agreement of the employee and department director. Meal periods are unpaid, and shall only be on the employer's time when the employee is required by his supervisor to remain on duty on the premises or at a prescribed work site.

## **4.6 TRAVEL EXPENSES**

When employees are required to travel on City business, reimbursement for expenses incurred shall be determined by (Finance Department IAM Policy 301-04.)

## **4.7 PERSONAL APPEARANCE**

Employees shall wear appropriate apparel for their job assignment as determined by their position and department director. All employees shall be neat and clean in dress and personal appearance, and shall avoid extreme styles which would attract excessive attention or cause interference with their work or the work of others. The Mayor may issue rules regarding what is considered necessary, required, or appropriate attire for each department or for particular positions. Should uniforms be required for a particular position, they will be provided at City expense.

Variations from the dress code may be allowed for sincerely held religious beliefs and practices.

## **4.8 STANDARDS OF CONDUCT**

### **4.8.1**

All City employees are expected to represent the City to the public in a professional manner and shall be courteous, efficient and helpful.

### **4.8.2**

Since the proper working relationship between employees and the City depends on each employee's ongoing job performance, professional conduct and behavior, the City has established certain minimum standards of personal and professional conduct. Among the City's expectations are basic tact and courtesy towards the public and fellow employees; adherence to City guidelines, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and costefficient services to its citizens.

### **4.8.3**

In the interest of the City and the public, it is desirable at all times, whether off-duty or on-duty, that an employee's conduct reflect favorably on the employee, fellow employees, and the City. Off-duty misconduct may result in discipline when it renders an employee less capable of performing assigned duties and responsibilities, or when it reflects unfavorably upon the City or an employee's continuing qualifications for employment.

## **4.9 CONFLICT OF INTEREST**

### **4.9.1**

Employees at all levels should avoid both real and perceived conflicts of interest in the exercise of their City duties. If any employee knows of a situation in which the employee's actions on behalf of the City might benefit the employee or any member of the employee's family, it is the employee's responsibility to bring the potential conflict of interest to the attention of his department director.

### **4.9.2**

City employees shall not sell or barter anything to the City or to a contractor supplying the City, or make any contract with the City or purchase anything from the City other than those things which the City offers generally to the public, such as but not limited to, utility services, and then only on the same terms as are offered to the public, unless an invitation to submit sealed bids is published and the City accepts the sealed bid which is most advantageous to the City. Any violation of this Section with

the express or implied knowledge of the person or corporation contracting with the City shall render the contract able to be voided by the Mayor or the City Council.

#### **4.9.3**

Employees shall not accept or seek for others, any service, information, or thing of value on more favorable terms than those granted to the public generally, from any person, firm or corporation having dealings with the City. Employees shall not accept, directly or indirectly, any gift, favor, loan, retainer, entertainment or other thing of monetary value from any person, firm or corporation having dealings with the City when such acceptance would conflict, or create the appearance of a conflict, with the performance of the employee's duties.

#### **4.9.4**

A conflict or appearance of a conflict shall be deemed to exist where a reasonable and prudent person would believe that such was given for the purpose of obtaining special consideration or to influence the performance of an employee's official duties. If an employee is given or offered any gift, favor, loan, retainer, entertainment or other thing of monetary value under circumstances which could reasonably be construed to create a conflict of interest or the appearance of a conflict of interest, the employee shall immediately report such activity to the employee's department director.

Violation of this policy will result in disciplinary action up to and including termination.

### **4.10 EMPLOYEE COMMUNICATIONS**

#### **4.10.1**

Any time an employee has a question, problem, or complaint that does not involve a complaint of discrimination, harassment, retaliation or improper governmental activity, the employee should do the following:

- a) Approach the matter in a solution-oriented manner, and develop suggestions for constructive actions to address the matter.
- b) Consult with the employee's immediate supervisor. Generally, the employee and supervisor will be able to resolve the problem.

If the problem is not solved at the supervisor level, the employee may request a meeting with the department director to discuss the problem.

If the employee receives no satisfaction at the department director level, the employee may request a joint meeting with the department director and the City Administrator, and/or Mayor. The City Administrator and/or Mayor will provide guidance and/or direction regarding resolution of the concern.

If, for some reason, a noninvolved supervisor is approached by an employee to discuss a problem or complaint, the supervisor will guide the discussion in a solution-oriented manner, and the employee

should be informed that the noninvolved supervisor may be obligated to take further action in order to resolve the issue, e.g., discuss it as appropriate with the responsible department director, City Administrator, Human Resources Manager, or law enforcement officers.

#### **4.10.2**

For City-wide issues, personal or sensitive matters, the employee may request a meeting with the department director, City Administrator and/or Mayor and/or Human Resources Manager or other appropriate management staff, to resolve the problem. The department director, City Administrator and/or Mayor and/or Human Resources Manager will provide guidance and/or direction regarding resolution of the concern.

#### **4.10.3**

Formal procedures are provided for those situations when the informal process is not appropriate. *(See Section 9.4, Grievances)*

#### **4.10.4**

Employees who desire to make complaints involving discrimination, harassment, retaliation or improper governmental activity must follow the complaint procedures addressed in the policies governing those subject areas.

### **4.11 WHISTLEBLOWERS**

As provided in policy #101-19 of the Issaquah Administrative Manual (adopted by reference in Resolution 93-14) and RCW 42.40 and Washington State Local Government Employee Whistleblower Act of 1992, employees are encouraged to report improper governmental actions of City officials when making good faith reports.

### **4.12 SELLING AND SOLICITATION**

#### **4.12.1**

Employees may not solicit for any purpose other than City-related business during working time. Working time includes both the soliciting and solicited employees' working time. Reasonable forms of passive solicitation, such as posting order forms for the sale of Girl Scout cookies, between employees will be permitted during nonworking time such as before or after work, or during authorized meal or work break periods. Employees may not distribute literature for any purpose other than City-related business during working time or at any time in work areas.

#### **4.12.2**

Individuals not employed by the City may not at any time solicit, petition or distribute literature in the nonpublic working areas of City offices or other buildings, except for bona fide City purposes and with the prior authorization of the City Administrator.

### **4.13 HEALTH AND FITNESS**

Each employee is expected to maintain physical and mental health fitness necessary to effectively perform the duties of the assigned position. When the health or mental health of an employee becomes a hazard to persons or property, or prevents the employee from effectively performing the duties of assigned work, the employee may be required by the department director, subject to City Administrator approval, to undergo a health or mental health examination. When so required, the employee will be paid for time required for the examination and for the cost of the examination itself, to the extent it is not paid for by the employee's health insurance.

Correction or treatment of conditions diagnosed during this examination will be the responsibility of the employee.

If an employee's physical or mental health condition causes the employee to be incapable of performing the work of the current position, the employee and department director will explore ways to provide reasonable accommodation. If no reasonable accommodation can be made, the employee may be terminated.

### **4.14 POLITICAL ACTIVITY**

#### **4.14.1**

The rules governing political activities of employees are set forth in RCW 41.06.250 and RCW 42.17.130.

#### **4.14.2**

City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for support of political activities, other than the rental and/or use of facilities normally made available to the public on an equal basis.

#### **4.14.3**

Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing regular duties may not wear or display any button, badge or sticker

relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or on City time, for a contribution for a partisan political cause.

#### **4.14.4**

Except as noted in this policy and other policies and laws that lawfully restrict employee speech, City employees are free to express themselves fully as allowed by the First Amendment.

#### **4.14.5**

An employee shall not hold a part-time public office in the City when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties.

#### **4.14.6**

For persons employed in a City employment position which is financed in total or primarily by federal grant-in-aid funds, political activity will be regulated by the rules and regulations of the United States Civil Service Commission.

### **4.15 SMOKE-FREE FACILITIES AND VEHICLES**

Under RCW 70.160.020 and 70.160.030, no person may smoke in a public place or any place of employment. This includes all city vehicles. Employees shall comply with all applicable state laws.

Complaints of violation of the policy shall be directed to the supervisor or department director responsible for the particular work area or facility. If the violator refuses to comply with the provisions of this policy and the provisions of the Washington Clean Indoor Air Act, the complaint should be referred to the Police Department for enforcement pursuant to RCW 70.160.070.

### **4.16 SUBSTANCE ABUSE**

#### **4.16.1**

The City's philosophy on substance abuse has two focuses: (1) a concern for the well-being of the employee and (2) a concern for the safety of other employees and members of the public.

As part of our employee assistance program, we encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment, and rehabilitation. The City provides an Employee Assistance Program (EAP) which may be used in these cases. Although the decision to seek diagnosis and accept treatment is completely voluntary, the City is fully committed to helping employees who voluntarily come forward to overcome substance abuse problems. In some cases, the expense of treatment may be fully or partially covered by the City's benefit program. In recognition of the sensitive nature of these matters, all discussions will be kept confidential to the greatest extent possible, consistent with the law.

#### **4.16.2**

Although the City is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job. The City may discipline or terminate an employee possessing, consuming, selling or using alcohol or controlled substances or prescription drugs during work hours, including lunch and breaks. The City may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances. Employees may not report for work when their performance is impaired by the use of prescribed or over-the-counter medications. Use/consumption of alcohol is not permitted during regular work hours, while on City business, or while using City vehicles. The City reserves the right to search employee work areas, offices, desks, filing cabinets etc. to ensure compliance with this policy. Employees shall have no expectation of privacy in such areas.

#### **4.16.3**

An employee may be required to submit to alcohol or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or of controlled substance use or in cases where employment has been conditions upon remaining alcohol, drug or controlled substance free following treatment. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.

#### **4.16.4**

Employees who voluntarily report an alcohol, drug or controlled substance dependency problem, prior to experiencing any work-related performance or conduct problems, will not be subject to retaliation or discrimination. Employees who voluntarily seek treatment may use accrued sick leave, vacation leave, or compensatory time to attend a bona fide treatment or counseling program. Information on treatment and rehabilitation resources may be obtained from Human Resources staff. All such contacts shall be confidential. The City may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs or other controlled substances.

### **4.17 USE OF CITY VEHICLES AND EQUIPMENT**

Use of City phones for local personal phone calls is allowed only on breaks or due to an emergency. City vehicles are to be used by employees for City business only unless additional personal use is authorized in writing, or in the event of an emergency. Use of City equipment, outside normal City business use, is not allowed except as approved by the appropriate department director for the benefit of the City or community. Misuse of City services, telephones, vehicles, equipment, or supplies can result in disciplinary action including termination.



## **4.18 DRIVER'S LICENSE REQUIREMENTS**

As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State driver's license. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his department director and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to the employee's department director.

Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

## **4.19 VOLUNTEERING OF EMPLOYEES**

### **4.19.1**

The Fair Labor Standards Act (FLSA) provides that City employees may volunteer hours of service to the City provided such services are not the same type of service which the individual is employed to perform for the City.

### **4.19.2**

Those municipal activities governed by the Joint Protection Plan of the Washington Cities Insurance Authority include the actions of volunteers and community service workers. The City also pays a premium to the State Industrial Insurance program for the cost of medical aid for any unpaid volunteer and/or community service worker who is injured while performing unpaid service for the City.

### **4.19.3**

When accepting the services of a volunteer or a community service worker, the department director is responsible for maintaining the name, address, social security number, emergency contact, outline of assigned duties and a log of hours each performs for the City.

### **4.19.4**

The premium paid by the City to the State Industrial Insurance program for medical aid coverage for volunteers and that paid for community service workers is based on the number of hours of service performed. Each department director is responsible for submitting the required periodic reports to the Finance Department showing the number of hours of active service performed by unpaid volunteers and community service workers separately. Documentation for each report must be maintained for three (3) years in the Department's files.

#### **4.19.5**

No community service worker shall be assigned any duty which will require driving a City automobile or truck. Assignment of high risk activity to volunteers and/or community service workers is discouraged.

#### **4.19.6**

No volunteer or community service worker shall operate an emergency vehicle during emergency operations.

#### **4.19.7**

Any volunteer assigned duties which include driving a City vehicle must have a valid Washington State Driver's License. City policy discourages the practice of volunteers using their own vehicles while performing service for the City. However, in those instances when volunteers do use their own automobiles, it is the responsibility of the department director to:

- a) Assure each volunteer has a valid Washington State Driver's License;
- b) Assure each volunteer's automobile is insured for liability; and
- c) Inform each volunteer that the City will not be responsible for collision and/or comprehensive loss.

### **4.20 SAFETY**

#### **4.20.1**

It is the City's policy to prevent accidents, and to provide employees safe and healthful working conditions free from recognized hazards. It is the responsibility of all employees to support the City's efforts to provide a safe and healthful environment for the employees and the public they serve.

Therefore, it shall be the responsibility of every employee to observe the safety precautions and regulations identified for each job situation at all times. Failure to comply with such responsibilities shall be grounds for disciplinary action, including but not limited to discharge.

#### **4.20.2**

A Safety Committee made up of representative employees from each department will assist in the development of departmental safety programs, coordination of interdepartmental safety practices and maintenance of a loss control and safety program. The Committee's responsibilities and procedures for the Safety Program are detailed in the Issaquah Administrative Manual (IAM 70202).

#### **4.20.3**

Every employee is responsible for maintaining a safe work environment. Each employee shall promptly report all unsafe or potentially hazardous conditions to the appropriate department director or Facilities Maintenance. The City will make every effort to remedy problems as quickly as possible.

#### **4.20.4**

In case of an accident involving a personal injury, employees shall notify their supervisor within 24 hours of from the time of the injury. The employee and supervisor shall complete and forward the “employee injury” forms which shall be submitted to their department director and Human Resources within 48 hours from the date of the accident. In the event of a severe injury, the department director or designee shall notify the City Administrator or Deputy City Administrator and Human Resources as soon as possible.

#### **4.20.5**

As required by Washington law, anyone operating or riding in a City vehicle must wear a seat belt at all times.

### **Section 5 – Classification Plan**

#### **5.1 CREATION AND MAINTENANCE OF CLASSIFICATIONS**

The Human Resources Manager shall be responsible for the preparation and continued maintenance of a classification plan so that it will describe on a current basis the duties of each position and the class to which each such position is allocated. Regular positions will be included in the same class if:

- a) They are so similar in respect to duties and responsibilities that the same descriptive title may be used.
- b) Substantially the same requirements as to education, experience, knowledge, and ability are demanded of applicants.
- c) Substantially the same tests of fitness may be used in choosing qualified appointees.

The same schedule of compensation can be made to apply with equity. The Human Resources Manager shall maintain the classification system and the central personnel record keeping system.

## **5.2 REALLOCATION OR RECLASSIFICATION OF POSITIONS**

### **5.2.1**

Revision of class specifications and reallocations within the classification plan shall be made as often as is necessary due to changing service demands, and to provide current information on positions and classes. It shall be the duty of the Human Resources Manager or designated representative, in consultation with department directors, to examine the nature of all positions and assure their allocation to existing or newly created classes, to accomplish changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions, and to assure periodic review of the entire classification plan and recommend appropriate changes in the allocations or in the classification plan. Creation of a classification plan, reclassification of existing positions, or alteration or omission of existing classifications shall be subject to the approval of the Mayor and City Council.

### **5.2.2**

Nothing contained in these Guidelines, the Salary Administration Manual, or the City's past practices shall prevent the City from reducing its workforce, laying off, promoting, demoting, reclassifying, or removing employees, modifying the pay plan or fringe benefits, or otherwise managing and directing the operation of the City government and its workforce as deemed necessary and appropriate.

### **5.2.3**

When a new position is requested by a department director or the duties of an old position are changed, the department director shall submit to the Human Resources Manager or designee a written description of the duties of the position. After review of the position, the Human Resources Manager shall forward any recommended changes or amendment of the class specification and allocation or reallocation of the position to a class for approval to the City Administrator. If a new position is created, approval shall be secured from the Mayor and City Council.

### **5.2.4**

A regular fulltime employee, or the employee's designated representative, who considers his position improperly classified shall first submit a request in writing for reclassification of his position to his department director who shall review the request and transmit it with written recommendations to the City Administrator. If approved, the request will be forwarded to the Human Resources Manager. If the department director or City Administrator finds the request is not justified, shall so advise the employee of such decision and also advise the employee of the right to appeal under the grievance procedures.

## **Section 6 – Pay Plan and Compensation**

### **6.1 PREPARATION OF PAY PLAN**

#### **6.1.1**

The Human Resources Manager shall prepare and keep current a compensation plan to consist of a series of salary ranges. In preparing such a plan, salary ranges shall be designated for each class of positions and by such continued designation, the compensation plan and the classification plan shall be directly connected to each other. The salary range for a class will be determined with due regard to the ranges of other classes, the ability of eligible applicants, and prevailing rates of pay for similar positions offered by other employers.

The Human Resources Manager shall, from time to time, have comparative studies made of all factors affecting the level of salary range and recommend such changes in the salary range as appear to be justified. Such adjustments shall be made by increasing or decreasing the salary range, the appropriate number of ranges as provided in the basic salary schedule, and the rate of pay for each employee affected shall be adjusted in conformance with the adjustment of the approved salary for that class.

#### **6.1.2**

The salary established for a position shall represent the total remuneration unless eligible for the MEP Pay Program, for an employee occupying the position except for fringe benefits, official travel, and other approved expenses.

### **6.2 APPOINTEE COMPENSATION**

Upon initial appointment to a position, the employee should receive the minimum salary for the class to which the position is allocated; however, in cases where unusual difficulty in filling the vacancy is experienced, or when the appointee is exceptionally qualified, the department director with the concurrence of the Human Resources Manager may cause the appointment to be made at a salary above the minimum, but not more than the mid-point for the class. If a department director wishes to hire above the mid-point of the salary range, a consultation with the City Administrator is required. If the department director and City Administrator agree on the salary, a request will be forwarded to the Mayor for approval. This request shall be approved prior to making the offer to the potential employee and a copy of the approved request shall be forwarded to the Human Resources Manager.

### **6.3 PERFORMANCE EVALUATIONS**

#### **6.3.1**

The Human Resources Manager or designee is responsible for developing and maintaining the City's performance evaluation program. Performance evaluations are designed to provide the employee with a record of performance and to encourage professional growth. The annual evaluation is prepared by the immediate supervisor on the standard appraisal form(s). The evaluation will be discussed with the employee, who will have an opportunity to comment on it in writing.

### **6.3.2**

Employees are to receive an evaluation during or at the completion of probationary period and annually thereafter. Performance appraisals for regular employees are given for the position which the employee holds at that time. The purpose of the appraisal is to commend strengths, address weaknesses, suggest ways to improve, and discuss new challenges, career goals and objectives.

### **6.3.3**

Should a regular employee be on leave-without-pay status during the scheduled time for his evaluation, the appraisal will be postponed until the employee has returned to work and completed as many days of continuous employment as the length of the leave without pay.

## **6.4 PAY PERIOD AND DEDUCTIONS**

### **6.4.1**

The pay period has been established as semi - monthly. The pay periods have been established as the 1st – 15th of the month and the 16th through the last day of the month. Payment for the time period worked the 1st – 15th is the 25th of the current month and the 16th – 31st is the 10th of the following month. Should the pay dates fall on a Saturday or Sunday, payments shall be made on the preceding Friday.

### **6.4.2**

Early pay checks are issued only in emergency situations. Requests for early paychecks must be submitted to the Finance Director by the employee's department director, and must be approved by the City Administrator.

### **6.4.3**

New employees working less than a calendar month will be paid at a rate per hour determined by dividing the annual salary by the annual hours to be worked for that position. In no instance will more than the monthly rate be provided except for overtime payments.

### **6.4.4**

Finance Department staff will withhold from the employee's pay check those deductions required by law and any voluntary deductions authorized by the employee, applicable union contract, or statute.

## **6.5 WAGES FOR REGULAR PART TIME EMPLOYEES**

The hourly wage will be determined by dividing the annual salary by the annual hours to be worked for the position.

## **6.6 WAGES FOR TEMPORARY NON-REGULAR EMPLOYEES**

The salaries of non-regular employees are approved by the department director with concurrence of the Human Resources Manager, and take into consideration the salaries of comparable regular positions. Non-regular employees receive straight time pay for work performed on holidays, and are eligible for overtime pay as required by law.

## **6.7 PAYMENT UPON CLASSIFICATION CHANGE**

### **6.7.1**

Upon promotion, an employee will typically be paid at no less than the minimum salary of the higher range, and upon demotion, an employee will typically be paid at no more than the maximum salary of the lower salary range. Salary adjustments for promotions and demotions shall be submitted to the City Administrator for approval. The City Administrator shall forward the approved salary to the Human Resources Manager for the employee's personnel file. Exceptions to this policy may be made by the City Administrator with approval by the Mayor.

Upon promotion or demotion, if the employee is eligible for the MEP program, the employee may retain his or her eligibility for such at the rate and eligibility level.

### **6.7.2**

When an employee is promoted into a FLSA exempt position, accrued compensatory time may be converted to cash at the rate earned prior to the time of reclassification of the employee with approval of the City Administrator and Mayor.

## **6.8 PROMOTIONS**

Vacancies in positions shall be filled on a competitive basis. If qualified personnel are available within the City, special consideration may be given and filled on a non-competitive basis. City employees who are promoted must pass a probationary period as specified in *Section 3.6*. Those who fail the probationary period may be terminated or at the discretion of the Mayor may assume any regular appointment held prior to promotion if the position remains open.

## **6.9 TRANSFER**

Upon recommendation of the appropriate department directors and concurrence of the City Administrator, or to meet the needs of the City, a transfer may be made. Transfers are based on work force requirements, performance evaluations, job descriptions, related City requirements, and the supervisor's recommendation. To be considered for another position, an employee must have satisfactorily completed the probationary period for the employee's current position and possess the qualifications for the vacant position, unless such requirements are waived in the best interests of the City. A new probationary period shall be established for any employee who requests a transfer. A transfer shall not be used to circumvent regulations regarding promotions, demotions, or terminations.

## **6.10 DEMOTION**

### **6.10.1**

No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. An employee being demoted shall be notified two weeks prior to demotion. An employee may be demoted when:

- a) The employee's performance falls below that established for the employee's particular position;
- b) The employee becomes physically or mentally incapable of performing the duties of the employee's position;
- c) For disciplinary purposes; or
- d) In lieu of layoff.
- e) *(See also Section 3.7 Nepotism)*

### **6.10.2**

A demotion may be authorized by the City Administrator or Mayor for any employee who requests it or to prevent a layoff. Any demotion to prevent a layoff may be reversed when the employee's previous position is reopened.

## **6.11 OVERTIME AND COMPENSATORY TIME**

### **6.11.1**

Employees may be required as a condition of employment to work overtime when necessary as determined by their supervisor. Overtime shall be granted upon approval of the department director for each hour worked beyond a normal work period, as required by the Fair Labor Standards Act (FLSA) or other specific established work period, at a basic rate of time and-one-half for each hour worked.

### **6.11.2**

A nonexempt employee, who is specifically authorized or required by his supervisor to work overtime, may elect to receive compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's manager or department director. Accrued compensatory time off shall not exceed the maximum stipulated by the FLSA or per collective bargaining agreements.

### **6.11.3**

Overtime must be authorized in advance by the department manager or department director. An employee upon the director's approval may use the hours worked in excess of an eight hour day to flex their work week as to not accrue overtime.



#### **6.11.4**

If a supervisor requires a non-exempt employee to work over their normal work schedule, it is compensated at time and a half of their regular hourly rate or with the supervisor's approval may earn compensatory time for the hours worked.

#### **6.11.5**

No department director shall allow a non-exempt employee to use vacation or holiday time and add hours worked to exceed eight (8) hours in one day unless the leave time was approved for use not knowing an employee would be required to work overtime.

#### **6.11.6**

Exempt employees shall be eligible for overtime on an hour-for-hour compensatory time off basis, and are not covered by the FLSA overtime provisions. Compensatory time for FLSA exempt employees is a benefit provided to exempt employees in addition to their salary and in consideration of the public meetings and other demands which may require the attendance or efforts of an exempt employee outside of normal working hours.

#### **6.11.7**

With approval of the employee's manager, an employee may use compensatory time unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and his supervisor.

### **6.12 CALL BACK**

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. An unreasonable refusal to respond to a call back is grounds for disciplinary action, including possible termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked (the overtime rate, if applicable). Minimum call back time for compensation shall be two hours.

### **6.13 COMPENSATION UPON TERMINATION**

When an employee's employment with the City is terminated, the employee will receive the following compensation:

- a) Regular wages for all hours worked up to the time of termination which have not been paid.
- b) Any holiday pay, compensatory time or vacation accruals due at time of separation.

Upon termination of employment, employees with more than one year of service shall be paid for accrued vacation time earned but not used.

## **6.14 DEATH**

### **6.14.1**

Upon death of an employee, all compensation due shall be paid to the surviving spouse or the estate of the employee.

### **6.14.2**

Memorial services for an employee may be attended by other City employees during their scheduled work day, with approval of their supervisor, with no loss of pay or accrued leave.

## **Section 7 – Leaves**

Leave accruals commence on the first of the month depending upon the employee's anniversary date. Employees hired between the first and fifteenth of the month receive accruals beginning with the month they were hired. Employees hired between the 16<sup>th</sup> and 31<sup>st</sup> of the month receive accruals beginning the first of the following month.

## **7.1 HOLIDAYS**

### **7.1.1**

Legal holidays to be observed by the City are:

- First day in January
- Third Monday in January
- Third Monday in February
- Last Monday in May
- Fourth Day in July
- First Monday in September
- November 11
- Fourth Thursday in November
- Day immediately following Thanksgiving Day
- Twenty fourth of December
- Twenty fifth of December
- One Personal Holiday

### 7.1.2

Holidays that fall on a Saturday, shall be observed on the preceding Friday. If any such holiday falls on a Sunday, it shall be observed on the following Monday.

### 7.1.3

If an employee is required by the employee's department director to work on a recognized holiday, the employee shall receive compensation at the overtime rate for time worked, in addition to the employee's regular straight-time hourly rate for such holiday.

### 7.1.4

Holidays which occur during vacation or sick leave shall not be charged against such leave.

### 7.1.5

An employee must be in a paid status both the day before and after a holiday to receive pay for that holiday.

### 7.1.6

An employee may select one personal holiday each calendar year, as referred to in *Subsection 7.1.1* and the City shall grant the day, provided:

- a) The employee has been continuously employed by the City for more than three months; and
- b) The employee has given not less than 14 calendar days written notice to the employee's supervisor; provided, however, the employee and the supervisor may agree upon an earlier date; and
- c) The number of employees selecting a particular day off does not prevent the City from providing continued public service.

The personal holiday must be taken between January 1 and December 15th of the current calendar year. If it is not taken during the dates specified above, entitlement to the day will lapse, except when an employee has requested a personal holiday and the request has been denied. An employee shall not be paid in lieu of taking the holiday under any circumstances.

### 7.1.7

#### **Unpaid Holidays for Reasons of Faith or Conscience:**

Under Washington law all employees are entitled up to two unpaid holidays per calendar year for “a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.” If you wish to be compensated for the time off, please follow the policies for using accrued vacation, compensatory time or other paid time off.

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with their supervisor or department director. If an employee prefers to take two unpaid holidays on specific days, the employee may be allowed to take the unpaid holidays selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term “undue hardship” has the meaning contained in the rule established by the Office of Financial Management.

If you seek to take a day off or a partial day off under this law, you must submit a written request to your supervisor or department director at least two weeks in advance. Note that a partial day off will count as a full day toward your yearly allotment of two days. Untimely requests will be considered if you can demonstrate that timely notice was not possible under the circumstances. You will normally receive a response within seven days of receipt of your request. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee’s supervisor or department director. The employee’s supervisor or department director shall evaluate the requests by considering the scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute and consideration of the meaning of “undue hardship” developed by rule of the Office of Financial Management.

## 7.2 VACATION

### 7.2.1

The annual leave allowance for nonexempt represented employees is stipulated in the appropriate collective bargaining agreements. The annual leave allowance for regular unrepresented employees shall be earned monthly based upon the following schedules:

<u>Schedule of Years</u>	<u>Days per Year</u>	<u>Hours per Month</u>
0 - 4	12	8.00
5 - 9	16	10.67
10 – 14	20	13.33
15 – 19	22	14.67
20 or more	24	16.00

### 7.2.2

Employees are eligible to use accrued vacation leave from their first day of employment.

### 7.2.3

Employees are encouraged to use their accumulated vacation time within the year in which it is earned. An employee may not accrue vacation time in excess of 24 months. Once the maximum accrual limit has been reached, accruals will cease until the balance is low enough to allow accruals to commence.

#### 7.2.4

All requests for vacation must be approved by the department director prior to the commencement of the requested vacation. In the event of any conflict over when leave is to be taken, preferences will be honored first for the employee with a management job classification and then for the employee with greater seniority. There are no advances on vacation leave unless approved by the City Administrator and Mayor.

#### 7.2.5

One (1) additional vacation day (eight hours) shall accrue to any regular employee who used 16 hours or less of sick leave between December 16th of the current calendar year and December 15th of the following calendar year.

### 7.3 SICK AND SAFE LEAVE (“SSL”)

Paid SSL is available to employees to care for their own health and safety, and for the health and safety of their family members as described below.

#### 7.3.1

##### Leave Accrual

- a) All non-exempt employees in part-time, non-regular positions shall accrue paid SSL at the rate of one (1) hour per forty (40) hours worked, beginning from their date of hire.
- b) Non-exempt employees in regular and limited term positions represented by a bargaining unit, shall accrue SSL in accordance with their collective bargaining agreement’s provisions for accruing sick leave.
- c) Non-exempt employees not represented by a bargaining unit, and employees in non-exempt limited term positions not represented by a bargaining unit, shall accrue SSL leave in accordance with the Vacation/Sick Leave schedule selected by the employee; the sick leave accrual rates are reproduced below:

SICK LEAVE SCHEDULE 1			SICK LEAVE SCHEDULE 2		
Days Per Year	Hrs Per Month	Hours Per Year	Days Per Year	Hrs Per Month	Hours Per Year
12	8.00	96	8	5.33	64

- d) Exempt employees, and exempt status limited term employees, shall accrue SSL in accordance the Sick Leave Schedules outlined in the Exempt Employees Benefits Handbook.

### 7.3.2

#### **Accrual Year**

The leave accrual year for SSL is December 16 to December 15.

### 7.3.3

#### **Carry Over of Paid SSL Time**

Any paid SSL accumulated during the accrual year, but unused as of December 15 in any year, shall be carried over to the succeeding year up to the following maximums:

- For part-time, non-regular positions, forty (40) hours of SSL will carry over to the succeeding year.
- For represented non-exempt and limited term employees, the amount of SSL time carried over will be consistent with the amount stated in the applicable collective bargaining agreement. If no amount is stated in the collective bargaining agreement, or if the specified amount is fewer than forty (40) hours, then forty (40) hours of SSL will carry over to the succeeding year.
- Non-exempt employees in non-represented positions, and non-exempt, limited term employees in non-represented positions, may carry over SSL in accordance with the amount of sick leave carryover specified in the City of Issaquah Personnel Policies.
- Exempt employees in regular and part-time regular positions and limited term exempt employees, will carry over SSL in accordance with the Exempt Employees Benefits Handbook's provisions for sick leave carryover.

### 7.3.4

#### **SSL Conversion and Cash Out**

For employees in part-time, non-regular positions, there is no option for SSL conversion or cash out. For these employees, hours in-excess of the 40-hour maximum carry over will be forfeited.

For represented employees in non-exempt, regular status and limited term positions, SSL conversion will be consistent with the applicable collective bargaining agreement's provisions regarding conversion and cash out of sick leave.

For non-represented, non-exempt staff in regular and part-time regular positions, and for non-exempt limited term employees who are not represented by a bargaining unit, sick leave may be converted in accordance with the following:

- Employees with 240 hours of sick leave may convert an amount of SSL hours equivalent to one-third (1/3) of their unused sick leave accrued between December 16 of the past calendar year through December 15<sup>th</sup> of the current calendar year to straight pay or to paid vacation, as long as the conversion does not cause the sick leave balance to go below the 240-hour base. Sick leave hours eligible for conversion by the above calculation will be converted in full. Conversion to paid vacation requires approval of the employee's Department Director,

and must be submitted to the Finance Department no later than December 15<sup>th</sup> of each calendar year.

- Employees who reach 480 hours sick leave base may convert an amount of SSL hours equivalent to one-half (1/2) of their unused sick leave accrued between December 16 of the past calendar year through December 15<sup>th</sup> of the current calendar year to straight pay or to paid vacation. Sick leave hours eligible for conversion by the above calculation will be converted in full. Conversion to paid vacation requires approval of the employee's Department Director, and must be submitted to the Finance Department no later than December 15<sup>th</sup> of each calendar year.

For exempt staff in regular and limited term positions, SSL may be converted or cashed out in accordance with the Exempt Employees Benefits Handbook's provisions for cashing out or carrying over sick leave.

### 7.3.5

#### **Eligibility Requirements**

Regular, part-time regular, and limited term employees in either exempt or non-exempt positions are eligible to use SSL from their date of hire and may use paid SSL as it accrues.

Employees in part-time, non-regular positions will accrue SSL from the date of hire, but shall not be eligible to use accrued SSL until ninety (90) days after their date of hire.

### 7.3.6

#### **Reasonable Notice for the Use of Paid Leave**

Employees must provide reasonable notice of an absence from work for which they will be using SSL for an absence resulting from: 1) an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition or an employee's need for preventive medical care; 2) to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; or 3) when the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason. Such reasonable notice must be provided to the employee's immediate supervisor or the supervisor's designee. Any information provided will be kept confidential). The reasonable notice requirement is not intended to interfere with an employee's lawful use of paid SSL.

- **Foreseeable Use**

If an absence is foreseeable, the employee must provide notice to their supervisor at least ten (10) days prior to the leave, or as early as practicable before the first day that SSL is used. If possible, notification should include the expected duration of the absence.

When foreseeable leave is requested to addresses issues related to domestic violence, the employee must give advance oral or written notice to their supervisor as soon as possible.

- **Unforeseeable Use**

If an absence is unforeseeable, the employee must contact their supervisor as soon as possible before the required start of their shift, unless it is not practicable to do so. In the event it is impracticable for an employee to provide notice to their employer, a person on the employee's behalf may provide notice to the employer.

- a) If possible, the notification should include the expected duration of the absence.

In unforeseeable circumstances regarding domestic violence, sexual assault, or stalking, the employee or a designee must give oral or written notice to the supervisor no later than the end of the day of the first day that the employee takes such leave.

### 7.3.7

#### **Authorized Uses of SSL**

Employees are eligible for paid SSL for the following reasons:

- a) An absence resulting from an employee's mental or physical illness, injury, physical or mental disability or health condition;
- b) To accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition;
- c) An employee's need for preventive medical care, including bona fide optical and dental appointments;
- d) Quarantine of an employee by a physician for exposures to a contagious disease;
- e) In the event of a death in the employee's immediate family, an employee may be granted leave of absence not to exceed seven consecutive calendar days. Such leave is not included in any family or medical leave period for which the employee is eligible (*see Section 7.4, Family and Maternity Disability Leave*);
- f) When an employee participates in a funeral ceremony, the employee may be granted a reasonable time off to perform such duty;
- g) Use of a prescription drug which impairs job performance or safety;
- h) Actual periods of temporary disability related to pregnancy or childbirth (*see Section 7.4, Family and Maternity Disability Leave*);
- i) To attend the birth of and/or to care for a newborn child of an employee (*see Section 7.4, Family and Maternity Disability Leave*);
- j) To provide care for a family member with a mental or physical illness, injury, or health condition;
- k) To provide care for a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition;
- l) To care for a family member who needs preventive medical care;
- m) Closure of the employee's place of business or the employee's child's school/place of care by order of a public official for any health-related reasons;



- n) If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking. Authorized use of SSL for domestic violence, sexual assault or stalking includes:
- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of the employee and their family members including but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking.
  - Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual, assault, or stalking.
  - Attending health care treatment for a victim who is a member of the employee's family.
  - Obtaining, or assisting a family member in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.
  - To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or a family member of the employee was a victim of domestic violence, sexual assault or stalking.
  - Participating, for the employee or for a family member, in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault or stalking.

### 7.3.8

#### **Family Member Defined**

When using paid SSL for any of the purposes in Section 7.3.7(a)-(d) and (f)-(m), the following definition of family member shall apply:

- a) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;
- b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
- c) A spouse;
- d) A registered domestic partner;
- e) A grandparent;
- f) A grandchild;
- g) A father-in-law;
- h) A mother-in-law;
- i) A son or daughter-in-law;
- j) A sibling; or
- k) Other relative or person living in the household of the employee with whom the employee has a familial relationship.

When using paid SSL for any of the purposes in Section 7.3.7(n), "family member" means any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

When using paid SSL for the purposes in Section 7.3.7(e), "immediate family" means a child, spouse, parent, or parent-in-law.

### **7.3.9**

#### **Increments of Use for SSL**

Employees may use SSL in 15 minute increments.

### **7.3.10**

#### **Rate of Pay When Using SSL**

Paid SSL will be compensated at the hourly rate that an employee would have earned during the time that the employee used SSL.

Calculation of overtime shall be based on FLSA rules, therefore, use of paid SSL shall not count towards the overtime calculation.

### **7.3.11**

#### **Responsibility for Workplace Safety**

The City is responsible for providing a safe work environment and has the right to send an employee home or not allow an employee to continue to work for health and/or safety reasons. Such mandatory leave may be applied City-wide by declaration of the Mayor or may be applied to an individual employee upon approval of the Department Director or designee. Any employee not allowed working for health or safety reasons will have their time charged to SSL (if the reason for mandatory leave fits within the criteria for SSL), then vacation, compensatory time, and finally, leave without pay.

### **7.3.12**

#### **Verification for Absences Exceeding Three Days**

Employees seeking to use or using paid SSL for authorized purposes for more than three (3) consecutive days that an employee is required to work, may be required to provide verification that establishes or confirms that the use of SSL is for an authorized purpose. For example, if an employee is required to work on Mondays, Wednesdays, and Fridays, and then the employee uses SSL for any portion of those three work days in a row. If the employee uses SSL again on the following Monday, the employee would have absences exceeding three days for which the employee is required to work.

- a) When an employee or the employee's family member is sick for more than three (3) consecutive days for which the employee is required to work, acceptable verification may include:
- A doctor's note or a signed statement by a health care provider indicating that the use of SSL is necessary for one or more of the purposes described in Section 7.3.7; or
  - A written or oral statement from the employee indicating that the use of SSL is necessary for one or more of the purposes described in Section 7.3.7.
- b) When an employee or a member of the employee's family has been a victim of domestic violence, sexual assault, or stalking, the employee may provide any one of the following documents or any combination thereof, to verify the use of leave:
- A written statement that the employee, or a member of the employee's family, is a victim of domestic violence, sexual assault, or stalking, and that the leave was taken to address related issues;
  - A police report indicating that the employee or a member of the employee's family was a victim of domestic violence;
  - Evidence from a court or prosecuting attorney showing that the employee or a member of the employee's family appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;
  - A court order of protection;
  - Documentation from any of the following persons from whom an employee or a member of the employee's family sought assistance in addressing the domestic violence situation indicating that the employee or a member of the employee's family is a victim:
    - 1) An advocate for victims of domestic violence, sexual assault, or stalking;
    - 2) An attorney;
    - 3) A member of the clergy; or
    - 4) A medical professional.
- c) When an employee is absent due to the closure by a public official of a school attended by the employee's child, or a place of care for the employee's child, due to health-related reasons:
- A copy of the notice received by the employee regarding the closure.

Verification must be provided within ten (10) calendar days of the first day that SSL is used to care for either the employee or a family member.

Verification does not require that the information provided explain the nature of the condition in order to use SSL, unless otherwise required by law. Any information provided through the verification will be treated in a confidential manner consistent with applicable privacy laws.

### 7.3.13

#### **Unreasonable Burden or Expense for Verification**

If an employee believes that obtaining verification for use of SSL would result in an unreasonable burden or expense, the employee may contact the Human Resources Director, either verbally, or in writing.

In that communication, the employee must indicate that the absence in question is for an authorized purpose and explain why verification would result in an unreasonable burden or expense. If this communication is in writing, the employee may use the Verification of Authorized Use of Paid Sick Leave Form, or send an email to the Human Resources Director.

Within ten (10) calendar days of receiving the request, the Human Resources Director will work with the employee to identify an alternative for the employee to meet the verification requirement in a way that does not result in an unreasonable burden or expense. Possible options may include:

- City-provided transportation;
- Sharing the cost of getting a note from a medical provider;
- Providing a note of explanation in lieu of other forms of verification; or
- Exempting the employee from the verification requirement based on the explanation provided.

The City may choose not to pay an employee for SSL taken in-excess of three (3) consecutive days until verification is provided.

### 7.3.14

#### **Payroll**

Employees will be notified of their SSL balance each month by way of their pay stub. Pay stubs can be accessed at any time through ESS. This information will include:

- Accrued SSL since the last pay period;
- Used SSL since the last pay period;
- Current balance of SSL available for use; and
- Donations via shared leave, if applicable.

### 7.3.15

#### **Consequences for Falsifying or Misrepresenting**

Abuse of SSL by falsification or misrepresentation of information shall be cause for disciplinary action up to and including termination.

### 7.3.16

#### **Separation from Employment**

When an employee in a part-time, non-regular status position separates from employment, there will be no financial or other reimbursement given to the employee for any accrued and unused SSL at the time of separation.

Employees in other positions will be reimbursed for accrued and unused SSL upon separation from employment as follows:

- Employees in regular, non-exempt, and non-exempt, limited term positions will be reimbursed in accordance with the amounts stated in their collective bargaining agreement.
- Unrepresented employees in regular, non-exempt positions, and those in limited term, non-exempt positions not represented by a bargaining unit, with five (5) years or more of service, who leave the City in good standing, may receive 1% of accrued and unused sick leave hours per year of service (to a maximum of 25% of the accrued and unused sick leave hours). Sick leave hours eligible for cash out under the above calculation will be cashed out in full; however, at the time the employee separates from employment, the terms for reimbursement must be mutually agreed upon in writing by both the employer and the employee.

Exempt employees will be reimbursed in accordance with the Exempt Employees Benefits Handbook's provisions regarding reimbursement for sick leave.

### 7.3.17

#### **Reinstatement of Employment**

If a non-exempt or part-time non-regular employee is rehired by the City within twelve (12) months after the date the employee separates from employment, the City will reinstate the employee's accrued, unused SSL except for any hours of SSL previously provided to the employee through financial or other reimbursement at the time of separation, as long as the value of the SSL was established and paid at a rate that was at least equal to the employee's normal hourly compensation.

When a part-time non-regular employee separates from employment and is rehired by the City within twelve (12) months of separation, an employee who reached the ninetieth (90th) calendar day of employment prior to separation shall have their previously accrued, unused SSL balance available for use upon rehire. If the employee did not reach the ninetieth (90th) calendar day of employment prior to separation, the previous period of employment must be counted for purposes of determining the date upon which the employee is entitled to use SSL.

If the period of time that a part-time non-regular employee separates from employment extends into the following leave accrual year, the City will not reinstate more than forty (40) hours of the employee's accrued and unused paid SSL.

Upon rehire, the City will provide notification to non-exempt and part-time non-regular employees of the amount of accrued and unused SSL available for use by the employee.

When a non-exempt employee in a regular, part-time regular, or limited term position terminates employment with the City and is rehired within seven (7) years, the employee's previous sick leave accruals may be restored after two (2) years of regular re-employment with the City. It is the employee's responsibility to request the reinstatement of any unpaid sick leave balance.

### 7.3.18

#### Shared Leave

The purpose of shared leave is to permit City employees in regular and part-time regular positions, to come to the aid of a fellow City employee who is experiencing or has an immediate family member who is experiencing a serious, prolonged or critical nature medical condition which has caused or is likely to cause the employee to take unpaid leave for a prolonged period of time generally considered to be at least fifteen (15) consecutive workdays. Medical conditions or illnesses that are considered to be routine, short term or sporadic shall not be considered for voluntary shared leave purposes. Examples of short term non-qualifying illnesses include such things as contagious disease (flu); chronic allergies or conditions; short term recurring medical or therapeutic treatments; and normal pregnancy. These examples are illustrative and not all inclusive. Each case must be examined on its conformity to policy intent and must be handled consistently and equitably. Employees who receive shared leave and are qualified for FMLA leave will be placed on FMLA leave and will use the donated leave concurrently while being on FMLA leave. The City will consider whether the employee is expected to return to City employment in deciding whether to grant a request for shared leave.

- An employee's Department Director may permit an employee to receive shared leave if:
  - a) At the time of the employee's request, the employee shall have used a minimum of 40 hours of their own accrued leave towards the event for which the employee is requesting shared leave. In addition to having used the minimum of 40 hours, the employee has exhausted or will exhaust all of their accrued leave of all types during the term of the event.
  - b) The employee has abided by the City's SSL policy prior to the use of shared leave.
  - c) The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.
  - d) The medical condition is not job related.
  - e) The employee has provided proper medical documentation and has completed the FMLA paperwork for Director approval.
  - f) The employee's request is not greater than 240 hours.
- Shared leave requests greater than 240 hours must be submitted to the department director and approved by the City Administrator or designee. The employee must still meet all of the criteria listed in sections 7.9.1 and 7.9.2. Requests approved by the City Administrator or designee will be forwarded to the Human Resources Department.

- An employee requesting shared leave must submit a Shared Leave Request to his/her Department Director in writing and may be required to provide appropriate medical justification and documentation for the leave and the time which the employee can reasonably be expected to be absent. If approved by the Director, the request shall be forwarded to Human Resources by the Director for City-wide notification and implementation. The request sent out on behalf of the employee shall include the employee's name and department.
- Employees have the option of donating vacation leave or a "roving" or "incentive" holiday. All donations of leave shall be voluntary and shall be intended as a gift without compensation. Transfers of donated leave shall be in full one (1) hour increments. In no event shall a transfer of leave be approved which would result in reducing an employee's total vacation leave in a calendar year to less than ten (10) days. The department director shall determine that no significant increase in City costs will occur as the result of a donation of leave.
- Leave may be transferred from employees from one department to an employee of the same or different department. Department Directors may choose to allow requests to be limited to their department only. **Donated leave shall be transferred on an hour-for-hour basis regardless of rate of compensation.**
- An employee on shared leave shall continue to be classified as a City employee and shall receive the same salary and benefits as would otherwise be received if using accrued leave. The employee's salary rate shall not change as a result of being on shared leave, nor under any circumstances shall the employee's pay and benefits exceed the total of salary and benefits which the employee would have received in a regular pay status. If an employee is able to work part-time under this program, he shall receive pro-rated vacation and SSL accruals which must be used prior to receiving donated leave.
- Employees are limited to receiving a maximum of 480 hours of donated leave per serious health event which shall be tracked by the Finance Department. The Finance Department shall adjust accrued leave balances of the donor and recipient of the shared leave. Donated leave may only be used for the event that has been requested and approved by the City Administrator or Department Director. Donated leave may only be used for the time period requested by the employee and approved by the City. At the end of the approved leave request, any donated hours in excess of the original request will be returned to the employee who donated hours. Records of all donated leave shall be maintained in the event any leave is returned at a later date.
- The Department of Retirement Systems (DRS) **does not** recognize shared leave as reportable compensation or time counted towards years of service.
- The use of shared leave shall be monitored by the Human Resources Department to ensure equivalent treatment for all City employees. Inappropriate use or treatment of shared leave

may result in disciplinary action as well as the cancellation of the donated leave or use of shared leave.

#### **7.3.19**

#### **Retaliation Prohibited**

Any discrimination or retaliation against an employee for lawful exercise of SSL rights is not allowed. Employees will not be disciplined by the City for the lawful use of SSL. The City will not interfere with, restrain or deny the exercise of any employee rights provided by RCW 49.46 or City of Issaquah Personnel policies.

If an employee feels they are experiencing discrimination or retaliation as a result of using SSL, the employee may contact the Human Resources Director.

### **7.4 FAMILY AND MATERNITY DISABILITY LEAVE**

#### **7.4.1**

The City complies with the Federal Family and Medical Leave Act of 1993 (FMLA) and all applicable State laws related to family and medical leave including but not limited to the Washington Family Leave Act (WFLA) and the Washington Maternity Disability Regulations (MDR).

#### **7.4.2**

The FMLA and WFLA, which usually run at the same time, require the City to provide up to 12 weeks of unpaid leave to eligible employees for reasons relating to family and medical care. The MDR provides female employees who are pregnant or have given birth additional weeks of leave for the period in which they are physically sick or temporarily disabled. Regardless of whether an employee is eligible for FMLA leave, she is entitled to MDR.

#### **7.4.3**

Employees who have been employed by the City for at least 12 months and have worked at least 1,250 hours in the last 12 months are entitled to 12 work-weeks of FMLA/WFLA - qualified leave every 12 months for one or more of the following reasons:

- a) A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- b) Care for a newborn or a newly adopted child or a newly-placed foster child;
- c) Care of a spouse/registered domestic partner, child or parent with a serious health condition; or
- d) Any qualifying exigency as defined by the Secretary of Labor, arising when the employee's spouse, child, or parent is called to active military duty or is on active duty. Qualifying exigencies are generally activities related to the active foreign duty or call to foreign duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal



arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

#### 7.4.4

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves:

- a) Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- b) A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
- c) A period of incapacity due to pregnancy or for prenatal care;
- d) A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g. chemotherapy for cancer or dialysis for kidney disease).

#### 7.4.5

Selection of FMLA Period - The 12-month period during which an employee is entitled to 12 weeks of FMLA-qualified leave is a "rolling" 12 month period measured backward from the date an employee uses any FMLA/WFLA-qualified leave.

#### 7.4.6

In certain circumstances, eligible employees may take FMLA intermittently or by reducing their work schedule. If the FMLA is due to the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission.

Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

#### 7.4.7

Under the MDR, pregnant employees are entitled to unpaid leave for the period of time that the female employee is physically disabled due to pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.

If eligible for FMLA, the pregnancy leave required under MDR runs concurrent (at the same time) with the FMLA and does not extend the 12 weeks of leave allowed under federal law.

The pregnancy leave required under MDR runs consecutive (one begins after the other ends) with the WFLA and does extend the 12 weeks of leave allowed under state law for the duration of the physical disability. Thus, a pregnant employee with no complications in the pregnancy and childbirth is likely entitled to 18 – 20 weeks of leave (six to eight weeks of physical disability leave under the MDR, plus 12 weeks of leave under the WFLA).

#### 7.4.8

If both parents are employed by the City, they are jointly entitled to a combined total of 12 workweeks of FMLA/WFLA-qualified leave in a 12 month period for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for the birth or for the placement for adoption or foster care must be completed within 12 months of the child's birth or placement.

#### 7.4.9

Per FMLA, eligible employees may receive up to 26 weeks of unpaid leave in a 12-month period to care for injured or ill military service personnel:

- a) Who is the employee's spouse, parent, child, or next of kin;
- b) Who is a current member of the armed forces, including National Guard and Reserves; and
- c) Who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list.

The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

#### 7.4.10

An employee seeking to use leave must provide written notice to the Human Resources Manager at least 30 days in advance of the need to take the leave when the need is foreseeable. The City may

require delay of any leave if the need was foreseeable and proper notice was not given. For leaves that are not foreseeable, the employee should give notice as soon as practical.

When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to City operations.

In addition, employees who need leave for their own or a family member's serious health condition may be asked to provide medical certification from a healthcare provider of the serious health condition, periodic recertification of the serious health condition and when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. A second medical certification may be performed by a different doctor at the City's expense. If the second certification differs from the first, the employee and the City may mutually select a third healthcare provider paid for by the City, whose opinion will control.

Employees who need leave for qualifying exigency arising from a family member's military leave must provide certification confirming the need for leave.

#### **7.4.11**

The City requires employees to use accrued sick leave, compensatory time, floating holiday, and vacation leave, when applicable and in this order, to receive compensation while on leave under the FMLA, WFLA or MDR. Once accrued leave is exhausted, the leave will be unpaid. An employee will accrue sick and vacation leave during those periods of leave for which the employee is receiving compensation.

#### **7.4.12**

Upon return from an FMLA-qualified leave, the employee is entitled to his or her former position or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). If an employee takes more than 12 weeks of FMLA-qualified leave in any 12 month period, the City reserves the discretion to not return the employee to work after such leave unless otherwise required by law. If the employee chooses not to return to work for any reason, the employee should notify his/her department director as soon as possible and Human Resources.

#### **7.4.13**

For leave taken under the FMLA, the City must keep the employee on its health insurance coverage, including family coverage if applicable, and continue to pay the City's share of the coverage as if the employee were still at work. The employee must pay his or her share of the premium. The City may cancel coverage if the employee's premium payment is more than 30 days late and the City provides the employee with written notice at least 15 days in advance advising that coverage will be cancelled if the premium is not received.

Because neither the WFLA nor the MDR provides for payment of health care premiums, the City is only obligated to maintain coverage at its expense for a maximum of twelve weeks. If the employee fails to return from leave, the City may recover the premiums paid for any coverage unless the failure to return is due to a serious health condition that prevents return, or other circumstances beyond the employee's control.

If an employee is covered by other City-paid insurance plans through the City, such as life or disability insurance, the coverage will continue during paid leave on the same basis as during regular employment.

#### **7.4.14**

The taking of FMLA-qualified leave will not result in the loss of any benefits, including seniority or pension rights, accrued before the date on which the FMLA-qualified leave commenced.

### **7.5 DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING LEAVE**

#### **7.5.1**

Employees who are victims of domestic violence, sexual assault, or stalking, or who have a family member who is a victim, may take reasonable unpaid leave from work either in continuous blocks of time or intermittently, or continue employment on a reduced work schedule, to take care of related legal or law enforcement needs, to obtain or assist in obtaining medical treatment, social services assistance, or mental health counseling, to participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member.

#### **7.5.2**

An employee may elect to use paid sick leave, if applicable, vacation, comp time, or floating holiday time while on leave.

#### **7.5.3**

For purposes of this policy, family member is defined as child, spouse/domestic partner, parent, parent-in-law, grandparent or person the employee is dating.

#### **7.5.4**

Employees must give as much advance notice of the need for the leave as possible. Leave requests must be supported with one or more of the following:

- a) A police report;
- b) A court order of protection;
- c) Documentation supporting a court appearance;

- d) Documentation from a healthcare provider, domestic violence advocate, attorney, or clergy; or
- e) An employee's written statement that the employee or employee's family member is a victim and needs assistance.

If the situation does not allow for advance notice, the employee must notify the department director or Human Resources Manager no later than the end of the first day that the employee takes leave.

#### **7.5.5**

The City will continue to pay the City's share of health benefits as if the employee were still at work provided the employee pays his or her share of the premium.

#### **7.5.6**

At the end of the leave, the employee will be restored to the same position or equivalent position in pay, benefits, terms and conditions unless the employee had a temporary assignment or was hired to work on a limited term project that was completed before or during the leave.

### **7.6 MILITARY RELATED LEAVES**

#### **7.6.1**

An employee who is a member of the Washington National Guard, the U.S. Armed Forces, or of any organized reserve of the United States will be granted military leave in accordance with state and federal law. Employees who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

#### **7.6.2**

A qualified employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1 and ending the following September 30. Military leave beyond the 21 days of paid time off will be unpaid, unless the employee elects to use accrued vacation or comp time during the period of military leave.

#### **7.6.3**

Employees should notify their supervisor as soon as they receive notice of the need to report for military duty and provide the supervisor with a copy of the military orders.

#### **7.6.4**

During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while his/her spouse/domestic partner is on leave from deployment, or before and up

to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the City with notice of his/her intent to take leave within five (5) business days of receiving official notice that the employee's spouse/domestic partner will be on leave or of an impending call to active duty. The employee may substitute any eligible accrued leave for any part of this military leave.

## **7.7 LEAVE OF ABSENCE WITHOUT PAY**

### **7.7.1**

The City may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, or pursuing an education.

### **7.7.2**

Both regular and probationary employees are eligible for leave without pay. Probationary employees who are granted leaves of absence will have their probationary periods extended by the number of calendar days of leave without pay granted. The following requirements apply:

- a) Leave may be granted to an employee for a period of up to 30 calendar days in a year by the department director. If a leave goes beyond 30 calendar days, the Mayor may grant an additional extension of up to 60 calendar days for a total of 90 calendar days in a year. Further extensions are at the discretion of the Mayor.
- b) An employee must be in a paid status for at least half their scheduled work hours in a pay period in order to receive full benefits for that pay period. If an employee does not work enough hours in a pay period, leave accruals will be not accrued in that pay period. Employees will be required to pay the City portion of health insurance benefits for any pay period in which they are not in a paid status for at least half of their scheduled work hours, except those required under federal and/or state family leave regulations.
- c) An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned.
- d) If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's position.

During the leave of absence without pay which extends beyond the 12 weeks provided by the federal Family and Medical Leave Act the City does not pay its share of any employee group insurance premiums. The employee may continue group insurance coverage by enrolling in COBRA.

## **7.8 JURY DUTY AND OTHER COURT DUTY LEAVE**

It is the civic obligation of each employee to serve on a jury if called. While on jury duty, an employee will receive full pay from the City. An employee will receive full pay when subpoenaed for a deposition or at a hearing or trial when the testimony involves the employee's role as a City employee. An employee will not be paid for time served as a plaintiff, defendant, or witness in a civil matter not involving the employee's role as a City employee, unless that time is taken as accrued vacation leave.

When an employee with a flex schedule or shift schedule is summoned to jury duty, the supervisor will change the employee's schedule to five eight-hour days, Monday through Friday for the duration of the jury duty.

The employee shall inform Finance Department staff of the amount received for jury duty or witness fees, exclusive of travel and parking, and an amount equal to jury or witness fees actually received by the employee will be deducted from the employee's next month end paycheck.

Employees who are absent from work because of jury duty will retain seniority and all benefits. The time away will not affect vacation or sick leave accruals.

When an employee is released from jury duty or as a witness by the court during the employee's work day, the employee is to immediately inform an appropriate supervisor and report to work if requested to do so. If approved by the employee's supervisor, the employee may choose to not return to work for the remainder of the work day and use accrued leave.

## **Section 8 – Benefits**

### **8.1 DISABILITY BENEFITS**

#### **8.1.1**

All employees are covered by the State Industrial Insurance program (worker's compensation). This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost for any disability resulting from job-related injuries or illnesses. All job-related accidents should be reported immediately to the department director.

#### **8.1.2**

When an employee is injured due to an on-the-job accident and seeks medical treatment, the employee is required to file a claim for Worker's Compensation. If a regular employee files a claim, pending

receipt of Worker's Compensation benefits, the City will continue to pay (by use of the employee's unused accrued leave) the employee's regular salary, unless the employee opts to take leave without pay.

### 8.1.3

When the employee receives Worker's Compensation benefits, the amount received will be deducted from the employee's next pay check. Upon the payment of funds from worker's compensation, the appropriate amount of accrued leave shall be restored to the employee's account. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than would have been received had the injury not occurred.

### 8.1.4

The City may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if the employee will be capable of performing the duties and responsibilities of the position.

## 8.2 HEALTH INSURANCE BENEFITS

### 8.2.1

The City's health insurance coverage is administered in accordance with the Employer Shared Responsibility provisions of the Patient Protections and Affordable Care Act (PPACA) as amended. Under terms and conditions of this policy and the City's health benefits plan, the City provides health coverage to full time regular and part time regular employees, and their dependents up to age 26. The benefits, terms, and conditions of the City's health benefits plans, including costs owed by eligible employees are explained in the employee's applicable collective bargaining agreement. If there are any conflicts between the City's health plan and collective bargaining agreement, the document satisfying the minimum protections of the PPACA shall apply.

### 8.2.2

#### **Affordable Care Act (PPACA) Work Hour Qualifications:**

**Full time regular** employees are not subject to an annual or monthly hour limitation and may work 40 or more hours per week, without limit, unless otherwise limited by the City's overtime policy, job description, the terms of applicable collective bargaining agreement, or the terms of any other city policy. Full time employees are not subject to initial or standard measurement, administrative, or stability periods.

**Part-time regular** employees are subject to an annual or monthly hour limitation based on their budgeted FTE or otherwise limited by the City's overtime policy, job description, the terms of



applicable collective bargaining agreement, or the terms of any other city policy. Part-time regular employees are not subject to initial or standard measurement, administrative, or stability periods.

**Part-time non-regular** employees are subject to an annual hour limitation and may not exceed 1,300 hours annually. In addition to annual hour limitation, part-time non-regular employees may not exceed 25 hours per week. Part time non-regular employees are subject to initial and standard measurement, administrative, and stability periods.

**Seasonal employees** are not subject to an annual or monthly hour limitation and may work 40 or more hours per week, without limit during their seasonal employment. Seasonal employees are limited to annual employment duration of six (6) months and must have an annual break in service of six (6) continuous months before being eligible for re-hire. Seasonal employees are subject to initial and standard measurement, administrative, and stability periods.

### 8.2.3

#### **Measurement and Administrative Periods – Initial Periods:**

The City uses a 12-month initial measurement period to measure the hours of new part-time and seasonal employees. If an employee works an average of 30 hours or more per week during an initial measurement period, the employee will be deemed a full time employee and will be eligible for health coverage during the initial stability period, regardless of the hours worked as long as the employee remains employed by the City. If an employee works an average of less than 25 hours per week during the initial measurement period, the employee **will not** be deemed a full time employee and **will not** be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period.

To determine the average hours worked by each employee during the 12-month initial measurement period, the City will divide the employee's total hours worked during the period by 52.

The City reserves the right to make and/or negotiate changes in the carriers and provisions of these programs when deemed necessary or advisable.

### 8.2.4

Extended Health Benefits (COBRA) - In compliance with COBRA (the Consolidated Omnibus Budget Reconciliation Act), the City will offer continuing health care coverage on a self-pay basis to employees and their dependents following termination (for reasons other than gross misconduct), a reduction in hours, retirement or death.

## **8.3 BENEFITS FOR NON-REGULAR EMPLOYEES**

Non-regular employees shall not be entitled to paid holidays, vacation, sick leave, or other leaves of absence, with or without pay. Benefits provided to non-regular employees shall be limited to those employer paid benefits required by federal or state law or as provided for through collective bargaining

contracts and agreements duly agreed upon between authorized employee organizations or unions and the City.

## **8.4 BENEFITS FOR REGULAR PART-TIME EMPLOYEES**

Regular part-time employees shall be eligible for prorated sick leave, holidays, and vacation based on their budgeted position. They shall be entitled to no other benefits except as required by federal or state law or as provided for through collective bargaining contracts and agreements duly agreed upon between authorized employee organizations or Unions and the City.

## **8.5 UNEMPLOYMENT COMPENSATION**

Employees may qualify for Washington State unemployment compensation after termination from City employment depending on the reason for termination and whether certain qualifications are met.

## **8.6 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

### **8.6.1**

The Employee Assistance Program is a voluntary program for professional and confidential counseling and assistance to employees whose job performance, health, or well-being are adversely affected by personal problems. Continuation of this program shall be dependent on allocation of funding in the City's annual budget. Employees may use sick leave for EAP appointments during scheduled work hours.

### **8.6.2**

Upon recognition of a work performance problem, the supervisor will engage in normal corrective counseling with the employee. If the cause of the problem cannot be determined, or it is determined that the problem is personal in nature, the supervisor may advise the employee of the Employee Assistance Program.

## **8.7 EMPLOYEE DEVELOPMENT**

### **8.7.1**

The City of Issaquah encourages employees to make use of college and university academic programs and workshops sponsored by other agencies or organizations in order to fully develop their abilities. The City will consider providing appropriate assistance to an employee who undertakes a course of study which is mutually advantageous to the City and the employee's proficiency. A course of study will be considered advantageous to the City if it is reasonable to expect the employee will have an opportunity to apply the skill or knowledge in the City's interest during their career. The employee's present assignment need not limit consideration of City encouragement or assistance to the employee's academic interests. For employees desiring to enroll in formal academic programs, the City will, when

reasonable under the circumstances, arrange workloads and schedules to permit attendance. Suitable arrangements will be determined by the department director.

## **8.7.2**

Tuition Assistance - The City of Issaquah encourages employees to obtain additional training and education which will facilitate their advancement in City employment and be consistent with the best interests of the City. When there is an adequate budget, the City may, provide an education assistance plan to improve employees' current and future job-related skills, knowledge, and abilities.

The tuition assistance program was designed to provide for financial assistance to those who are trying to earn a college degree. Courses taken on an individual basis such as a foreign language, computer courses or other skill-related courses should be paid through each departments training budget and not submitted through the tuition assistance program. All regular full time and part time employees are eligible to participate in the Tuition Assistance program.

### **8.7.2.1**

Employees must submit an application for requested courses to their department director. If approved by the department director, the request must be submitted to the Human Resources Manager prior to the beginning of the calendar year. The maximum number of applications that may be approved by the Human Resources Manager will be determined by the amount of reimbursement funds approved for that budget year.

In determining which applications to approve, the Human Resources Director will consider the following factors:

- a) The value to the City in the course of study to be pursued by the applicant.
- b) Recommendations by the applicant's supervisor(s).
- c) Length of City service.
- d) The City's interest in encouraging the maximum employee participation within the budgeted funds available.

Applicants shall not normally be approved for reimbursement in excess of six hours per semester or quarter. The Human Resources Manager may authorize additional hours in unusual cases based on the recommendation of the employee's department director.

### **8.7.2.2**

All time expended in relation to any course of study shall be on the employee's own time.

### 8.7.2.3

Reimbursement - At the end of the course, an expense reimbursement request shall be submitted by the employee to their department director. Each applicant must furnish a grade report or transcript of college course completion from the college or university attended. In order for the reimbursement request to be approved, the employee must successfully complete the course with a grade of “C” or better. Once the department director has approved the reimbursement request, it will be forwarded to the Human Resources Manager.

The employee will be reimbursed for the total amount of tuition up to a maximum of six (6) semester or quarter credits, providing adequate funds are available in the year the course was taken. Employees must successfully complete the course with a grade equivalent to or higher than “C” or better. If the amount of reimbursement requests exceeds the budget, the amount budgeted will be disbursed equally at the end of the year.

The employee shall be responsible for all associated expenses, e.g., costs of books, course materials, and transportation costs directly related to attending the course.

### 8.7.2.4

In the event the employee voluntarily resigns from the City during the two year period following the date of satisfactory completion of such course, the employee may be required to repay to the City any amount provided for tuition.

If an employee who is enrolled in a course approved for reimbursement under this program is terminated for reasons unrelated to the employee’s performance or conduct, the employee may be reimbursed for current tuition costs upon termination.

## 8.7.3

Technical Training - Technical training courses, seminars, workshops, and conferences which are intended to improve the efficiency or effectiveness of the services rendered by City employees may be attended by regular part-time and regular full-time employees subject to budgetary provisions and with advance written permission of the employee's department director.

### 8.7.3.1

Training sessions may be held during regular working hours at the discretion of the department director.

### 8.7.3.2

Employees shall not be compensated for any time spent at training sessions held outside of the employee's regular working hours unless attendance at the training session was mandatory, the employee was required to perform productive work, or the training session was directly related to the employee's current position. However, the department director has the discretion to compensate

employees for time spent in City-sponsored training sessions held outside regular working hours when the training session relates to the employee's reasonably anticipated future duties or position(s).

#### **8.7.3.3**

In the event the employee voluntarily resigns from the City, the employee may be required to reimburse the City's costs for special training provided to the employee in the previous 12 month period.

### **8.8 RETIREMENT BENEFITS**

#### **8.8.1**

Regular employees are required to participate in either the State of Washington's Public Employees' Retirement System (PERS) the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) or Public Safety Employee Retirement System (PSERS) as long as their compensated hours continue to qualify them for service credit under the appropriate plan. Employer and employee contributions shall be made in accordance with State law. The employee's contribution shall be made by means of a payroll deduction.

#### **8.8.2**

The City also makes contributions on behalf of all eligible employees to the Social Security System, in addition to those contributions made by the employee through FICA payroll deductions.

## **Section 9 – Discipline, Termination and Grievances**

### **9.1 DISCIPLINARY ACTION**

#### **9.1.1**

All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.

#### **9.1.2**

Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.

### 9.1.3

The City expects all employees to comply with the City's organizational vision, values and standards of conduct. It is important to establish certain expectations regarding employee conduct to ensure efficient City operations, and for the benefit and safety of all employees. As a general matter, employees should conduct themselves in a professional manner and use good judgment in performing their job duties.

Conduct that interferes with City operations is detrimental to the City and/or is offensive to coworkers or constituents and will not be tolerated. It is not possible to list all of the forms of behavior that are considered unacceptable in the workplace. The following are examples of behavior that may result in disciplinary action, up to and including termination of employment:

- a) Failure to treat employees and/or citizens in a courteous and respectful manner;
- b) Failure to perform assigned duties, or performance of duties in an unsatisfactory manner;
- c) Unauthorized absence, or excessive tardiness or absences;
- d) Knowingly misusing, taking for personal use, destroying, damaging or wasting property, supplies or utilities belonging to the City or another employee;
- e) Assaulting, threatening, or intimidating supervisors or any other fellow employee, vendor, or any member of the public;
- f) Violation of City policy regarding workplace violence;
- g) Engaging in any form of sexual or other unlawful harassment of, or discrimination towards, another employee, a member of the public, a vendor or other third party;
- h) Falsifying or altering any City record or report, such as an employment application, medical reports, production records, time records, expense records, absentee reports, or the like;
- i) Misusing City communication systems, including electronic mail, computers, Internet access, and telephones;
- j) Refusing to follow management's lawful instructions concerning a job-related matter, or otherwise being insubordinate;
- k) Smoking where prohibited by City policy or local ordinance;
- l) Using profanity or abusive or offensive language;
- m) Sleeping on the job;
- n) Disclosing confidential information regarding the City or City resident(s);
- o) Negligence or improper conduct resulting in injury or damage to City property;
- p) Failure to fully cooperate with a City investigation;
- q) Failure to follow appropriate notification or other procedures in connection with an absence;
- r) Violating safety procedures or policies, or otherwise endangering the safety of an employee, coworkers or the public;
- s) Making, publishing or repeating false, vicious or malicious statements concerning a co-worker;

- t) Reporting to work under the influence of alcohol, illegal drugs, non-prescribed controlled substances, or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises;
- u) Dishonesty;
- v) Fighting; or
- w) Engaging in off-duty misconduct that interferes with an employee's ability to do their job or reflects negatively on the City.

This list contains examples only, and is not exhaustive. At management's discretion, any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may subject an employee to disciplinary action.

## **9.2 FORMS OF AND PROCEDURE FOR DISCIPLINARY ACTION**

### **9.2.1**

These procedures are intended to provide a brief description of the general disciplinary structure, but the City reserves the right to deviate from these procedures when, in the City's sole discretion, it is appropriate.

### **9.2.2**

There are several types of disciplinary action which may be applied to discourage detrimental behavior or actions:

- a) Oral Warning - Oral warnings may be given for minor offenses, or to bring to the employee's attention a potential work performance problem. They are intended to give an employee an opportunity to correct a condition.
- b) Written Warning - A written warning will be issued by the supervisor in the event the employee continues to disregard an oral warning, or if the misconduct, inadequate performance, or infraction is severe enough to warrant a written record in the employee's personnel file.
- c) Suspension (*See Subsection 9.2.3, Administrative Leave and Section 9.3, Pre-termination or Disciplinary Hearing.*) - A suspension is time off with or without pay for disciplinary reasons. This form of discipline is administered as a result of a severe infraction of rules, standards, or for repeated lesser violations.
- d) Demotion - A demotion is a transfer to a position with lesser responsibility and usually less pay. Demotions may be temporary or permanent. This form of discipline is administered as a result of a severe infraction of rules, standards, or for repeated lesser violations, or when an employee has demonstrated an inability to competently perform his assigned position.
- e) Disciplinary Probation - A disciplinary probation may be used when an employee has violated rules and standards, or has demonstrated an inability to competently perform his assigned position, and the employee is given an additional period of time to demonstrate rule abiding and competent behavior. During a period of disciplinary probation, a regular employee may not use any earned but unused vacation benefits or accrued compensatory time, and may not take a floating holiday, and is ineligible for any other leave.

Disciplinary probation may be for any period not to exceed six months. If the regular employee fails to correct performance or repeats the unacceptable conduct during the disciplinary probation period, the employee may be discharged.

- f) Termination - A termination is the involuntary separation of an employee from the City. This form of discipline is also administered as a result of a severe infraction of rules, standards, or for repeated lesser violations, or when an employee has demonstrated an inability to competently perform his assigned position

### 9.2.3

Paid Administrative Leave - On a case-by-case basis, the employee may be placed on paid administrative leave with pay for an indefinite period of time as determined by the Mayor to be in the best interests of the City during the pendency of an investigation or other administrative proceeding.

## 9.3 PRE-TERMINATION OR DISCIPLINARY HEARING

### 9.3.1

A pre-disciplinary hearing shall be conducted in the following manner before a regular status employee is terminated for cause or before a disciplinary action is taken which results in a decrease of loss of pay and/or benefits.

### 9.3.2

Hearing procedure:

- a) The department director and City Administrator shall meet with the employee and conduct the pre-disciplinary hearing.
- b) Prior to the hearing, the employee shall be informed of the reasons known to the employer for the proposed action.
- c) The employee shall be given an opportunity to respond to by explaining the employee's side of the story and correcting any misinformation which the employer may be utilizing in its decision.
- d) The employee may be accompanied by a union representative.
- e) After the hearing, the department director and City Administrator shall make a written disciplinary recommendation to the Mayor. The employee may respond in writing to the Mayor as to why the disciplinary recommendation should not be accepted.
- f) The Mayor shall issue a decision whether to accept the disciplinary recommendation, impose lesser discipline, or impose no discipline.



### 9.3.3

A decision by the Mayor to affirm, modify or reverse the termination or disciplinary decision shall be made as soon as practical after the hearing. Written notice of the decision shall be supplied to the employee.

## 9.4 GRIEVANCES

### 9.4.1

A grievance is a complaint by a regular, full- or part-time employee or group of regular employees arising from the interpretation or application of a Section(s) of the City's ordinances, personnel guidelines, or department procedures which pertain to the terms and conditions of employment by the City.

### 9.4.2

The City recognizes that sometimes situations arise in which an employee feels treatment has not been fair or in accordance with City guidelines and procedures. For this reason the following procedures are provided to employees for resolving complaints.

### 9.4.3

This grievance procedure does not apply to disciplinary matters, the process for which is set forth above in *Sections 9.2 and 9.3*. Nor does this grievance procedure apply to complaints of discrimination, harassment, retaliation, or improper governmental activity. Employees who are complaining about discrimination, harassment, retaliation or improper governmental activity should follow the complaint procedure set forth above in *Section 2.3*.

### 9.4.4

No grievance shall be entertained or processed unless it is submitted at Step 1 within 30 calendar days after the first occurrence of the event giving rise to the grievance or within 30 calendar days after the employee, through the use of reasonable diligence, could have obtained knowledge of the first occurrence of the event giving rise to the grievance. If the grievance is not presented by the employee within the time limits set forth above, it shall be considered "waived" and may not be pursued further.

### 9.4.5

If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the City's last answer. If the City does not answer a grievance or an appeal thereof within the specified time limits, the aggrieved employee may elect to treat the grievance as denied at the step and immediately appeal the grievance to the next step. The parties may by mutual agreement in writing extend any of the time limits set forth in this Article.

1. Step 1: An employee should first try to resolve any problem or complaint with his supervisor within 30 days (See *Section 3.4*). The supervisor will answer the grievance within seven (7) calendar days.
2. Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the supervisor's application of City guidelines and procedures, the employee should attempt to resolve the problem with the department director. This should occur as early as feasible and within seven (7) calendar days of the decision of the supervisor in Step 1. The written complaint must contain, at a minimum:
  - a) A description of the problem;
  - b) A specific policy or procedure which the employee believes has been violated or misapplied;
  - c) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
  - d) The remedy sought by the employee to resolve the complaint. The department director will respond to the employee in writing within five (5) days, if possible, after meeting with the employee.
3. Step 3: If the employee is not satisfied with the response from the department director, the employee may submit the problem in writing, to the City Administrator within seven (7) calendar days of receipt of the department director's response. The City Administrator may meet with the parties either individually or together, and will respond in writing to the aggrieved employee within 14 calendar days of the meeting.

The response and decision of the City Administrator shall be final and binding.

#### **9.4.6**

Certain employees may have more than one source of dispute resolution rights, i.e., the City's Civil Service rules, and collective bargaining agreement, if any, and this complaint process. Employees represented by a bargaining unit or who are covered under Civil Service rules should follow grievance procedures set out in their respective labor contracts or Civil Service rules, where applicable. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

#### **9.4.7**

No punitive action shall be taken against any employee for utilizing the grievance procedures contained herein.

### **Section 10- Severability**

If any provision of these Guidelines, or if their application to any person or circumstance is held invalid through legal proceedings, the remainder of the Guidelines, or the application of the provision to other persons or circumstances is not affected.

## APPENDIX A - DEFINITIONS

**Paid Administrative Leave:** A temporary leave with pay during the pendency of an investigation or other administrative proceeding. (*See Subsection 9.2.3*)

**Applicant:** A person who has submitted the required City application form(s) for a position opening.

**Appointing Authority:** The individual or group of individuals responsible for appointment, discipline, and termination of an employee or employees.

**Appointment:** The assignment of a qualified applicant to a position by the appointing authority.

**Arbitration:** The process of settling a dispute by a neutral third party or panel who will hear testimony, receive documentary evidence and issue a decision.

**Cause:** Any action or inaction which is appropriate justification for disciplinary action, including termination.

**City:** Refers to the City of Issaquah in this document.

**Class:** A group of positions sufficiently similar in duties, responsibilities, authority, and minimum qualifications to permit combining them under a single title and to permit the application of common standards for selection and salary range.

**Classification Plan:** All class descriptions compiled into one written document, containing the duties and responsibilities in each class description as approved by the Mayor.

**Compensation Schedule:** A schedule of salary ranges of all classes in the service of the City, including single position classes, setting forth the salary range for each such class in accordance with the criteria and procedures set forth in these guidelines.

**Compensatory Time Off:** Time off from work, in lieu of overtime pay, to compensate the employee for overtime worked.

**Continuous Service:** Employment without interruption except for brief (not to exceed 120 days per year) leaves of authorized absence.

**Demotion:** The movement of an employee from a higher level of responsibility to a lower level of responsibility, usually having a lower maximum rate of pay.

**Disciplinary Action:** Imposition of certain personnel actions (e.g. reprimand, warning, suspension, dismissal, demotion) as a result of conduct that is a violation of City policy, law, or is otherwise detrimental to the City.

**Examination:** Any device or procedure used in the selection process to measure applicant abilities and suitability for a position, including, but not limited to oral interviews, written tests, performance

tests, evaluation of performance during orientation period, and scored evaluation of education and experience.

**Exempt Employee:** An employee who holds an administrative, executive, or professional position which is defined as “exempt” under the wage/hour laws of the Fair Labor Standards Act (FLSA) and the Washington Minimum Wage Act (“MWA”).

**Flex Time:** Flex time is defined as the concept of allowing flexible employee work schedules based around an established period of work hours. Examples are a 4/10 work week or a 9/80 work period.

**Grievance:** An oral or written complaint by a regular employee or group of regular employees arising from the interpretation or application of the City's ordinances, personnel guidelines, or department procedures which pertain to the terms and conditions of employment by the City.

**IAM:** Issaquah Administrative Manual, available in each department.

**Immediate Family:** The spouse, registered domestic partner, parent, child, brother, sister, father-in-law, mother-in-law, son or daughter-in-law, grandparent, grandchild, other relative living in the employee's household, or other person with whom the employee has a familial relationship.

**Intern:** A paid or unpaid temporary employee enrolled in a college, university, or vocational school who must obtain on-the-job experience in a field directly related to a course of study.

**Layoff:** The involuntary termination of an employee for reasons due to insufficient work load and/or funds, the abolition of a position by the City Council, or organizational changes. (*See Section 3.12*)

**Modified Duty:** A temporary assignment of limited duties made during an employee's recuperation from an illness or injury. Modified Duty assignments are made at the discretion of the department director.

**Nepotism:** Employment of a member of an employee's immediate family, or of a person with whom an employee has a familial relationship. (*See Section 3.7*)

**Non-exempt Employee:** An employee who is not employed in an exempt administrative, executive, or professional position as defined under the Fair Labor Standards Act (FLSA) and the Washington Minimum Wage Act (“MWA”).

**Non-regular Employee:** An employee who works less than 25 hours per week in the designated work week as defined by the Fair Labor Standards Act (FLSA), or in a position filled on a temporary or limited-term basis. Part time non-regular employees may work fixed or fluctuating schedules but are expected to work 25 hours or less per week.

**Overtime:** Time worked that is required in excess of the regularly-scheduled full-time work period as defined by the Fair Labor Standards Act (FLSA) or appropriate collective bargaining contract.

**Personnel Action:** Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or other action affecting the status of employment.

**Position:** A group of current duties and responsibilities as set forth in a class description by the Mayor.

**Probationary Period:** A working test period during which a newly hired or promoted employee is required to demonstrate his or her ability and capacity to satisfactorily perform the duties of the position for which the employee has been appointed; or, in the case of disciplinary probation, a temporary period designated for a regular employee as a result of unsatisfactory performance for the purpose of allowing the employee to demonstrate necessary improvement.

**Promotion:** The movement of an employee from a position in one class to another class imposing increased responsibilities, requiring greater pay and qualifications.

**Reclassification:** A change in the level of classification of a position in the pay plan.

**Recognized Employee Organization:** Any organization or union which: 1) includes employees of the City; 2) has as one of its primary purposes representation of employees in employment relations with the City; and 3) is recognized by the City Council.

**Regular Employee:** An employee who has successfully completed a probationary period in a regular, budgeted position established by the City Council. Regular employees are credited with service from the date of hire in a regular position.

**Regular/Full-time Position:** A budgeted position with a predetermined schedule equivalent to a full-time work period as defined by the Fair Labor Standards Act (FLSA).

**Regular Part-time Position:** A budgeted position scheduled on a continuous basis for less than a full-time work period, but not less than half-time in the designated work period as defined by the Fair Labor Standards Act (FLSA).

**Reinstatement:** The return of an employee to the employee's former position in the service of the City within one year after layoff or at any time after successful appeal of a suspension, reduction-in-responsibility, or termination.

**Resignation:** The voluntary action by an employee of terminating his employment.

**Salary Range:** The range of salary rates for a job title as set forth in the compensation plan established by the City Council.

**Salary Step:** The minimum and maximum increments and any definite intermediate increments of a salary range.

**Seasonal Employee:** An employee that is hired or re-hired into a position for which the customary annual employment is six months or less, beginning the same season of each calendar year. Seasonal employees are subject to a mandatory annual break in service of six continuous months before they may be re-hired into the same seasonal position. Seasonal employees may work up to forty hours per week during their seasonal employment.

**Seniority:** Priority of an employee based on the length of the employee's continuous service to the City since the employee's most recent date of hire.

**Suspension:** A temporary removal from duty without pay of an employee for disciplinary purposes.

**Temporary Agencies and Independent Contractors:** The City may use independent contractors or persons referred by employment agencies to fill temporary needs arising out of special projects, abnormal workloads, emergencies, or to replace a regular employee absent due to disability, illness, vacation, or other approved leave. Such individuals are not considered employees of the City, and are not eligible for employee benefits.

**Termination:** The involuntary cessation of employment with the City.

**Transfer:** The movement of an employee from one position to another position, having essentially the same salary range, involving the performance of similar duties or levels of responsibility, and requiring substantially the same basic qualifications.

**Volunteer:** An individual who performs hours of service for civil, charitable, or humanitarian reasons, or to gain professional experience without promise, expectations, or receipt of compensation for services rendered.

**Work Week or Work Period:** A fixed and regularly recurring period of consecutive hours as defined by the FLSA and/or specified in a collective bargaining contract or agent between an authorized employee organization or union and the City.